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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

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The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.



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Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 7—Water Quality

EMERGENCY AMENDMENT

10 CSR 20-7.050 Methodology for Development of Impaired Waters List. The department's Water Protection Program is removing the reference in subsection (4)(B) to the "Methodology for the Development of the 2006 Section 303(d) List for Missouri" and the reference in subsection (4)(C) to the methodology as set forth in subsection (4)(B).

PURPOSE: This emergency amendment allows the state to remove subsection (4)(B) and reference to subsection (4)(B) in subsection (4)(C). This removes the requirement to amend the rule whenever an impaired waters list is produced.

EMERGENCY STATEMENT: This emergency amendment serves a compelling government interest in preserving the state's authority under federal law to complete a list of impaired waters as required by Section 303(d) of the Federal Clean Water Act, by removing subsection (4)(B) and reference to subsection (4)(B) in subsection (4)(C). The emergency amendment will allow the state to complete the development of the Department of Natural Resources' Impaired Waters List for 2008, in accordance with the federally mandated schedule. The current rule references a specific dated version of a methodolo-

gy document that was updated in January 2008. Referencing the latest updated version into rule will further delay the department from producing the required 2008 Impaired Waters List, which was due to Environmental Protection Agency (EPA) on April 1, 2008. In anticipation of filing this emergency amendment, the 2008 Impaired Waters List was developed with public assistance using the current latest methodology document. Without the prompt revision through an emergency amendment, the department will not be able to proceed with finalizing the list for 2008 in accordance with the latest methodology, nor will it be able to submit a final list to EPA within a reasonable time. Further delay in submitting the list to EPA may result in federal action superseding the state's work. Reference within the rule to the methodology for listing waters is not necessary. The methodology identifies scientific methods, not legal standards, for evaluating the conditions of Missouri's waters. Furthermore, the methodology is not a substitute for the state's water quality standards. Regular updates to the methodology are necessary to accommodate the best scientific tools and to include the most recent and most valuable scientific information available. The use of the most recent science and data to evaluate water quality would not be possible if the rule continues to require that the methodology updates be incorporated by reference into the rule.

While the department has known of the need for a solution for some time, it was not certain of the exact method to achieve the solution. The department was engaged in legal analysis up until now to accomplish two (2) things: 1) to be certain that a rule codifying the procedure was not necessary to satisfy section 536.010(6), RSMo; and 2) to ensure that the emergency rule, which is limited to six (6) months, would be in effect at the time the Clean Water Commission (CWC) officially adopted the 2008 list. Furthermore, pinpointing the exact date the CWC adopts the list is complicated by the department's ample allowance for stakeholder participation in both the procedure and list development. Stakeholder participation may continue for months until the department is certain of widespread support for the proposals to be made to the CWC. Now that the department has completed its discussions with stakeholders on the proposed list for 2008, it is ready to finalize a schedule for both the proposed and emergency rule amendments.

The scope of this emergency amendment is limited to the circumstances creating the emergency rulemaking amendment and complies with the protections extended in the *Missouri* and *United States Constitutions*. The CWC believes this emergency rule amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on September 15, 2008, is effective January 2, 2009, and expires June 30, 2009.

(4) Creation of the Proposed 303(d) List.

[(B)] The methodology established in accordance with subsection (4)(A) of this rule is hereby incorporated by reference and is known as the "Methodology for the Development of the 2006 Section 303(d) List for Missouri," Missouri Department of Natural Resources, Division of Environmental Quality, Water Protection Program—Approved by the Clean Water Commission on June 7, 2006. No later amendments or additions are included. This document shall be made available to anyone upon written request to the Department of Natural Resources, Water Protection Program, Water Pollution Control Branch, PO Box 176, Jefferson City, MO 65102-0176. The department will maintain a copy of this document on the web at <http://www.dnr.mo.gov/>

[(C)](B) The 303(d) list shall be developed in accordance with section 644.036.5, RSMo. [and in accordance with the methodology set forth in subsection (4)(B) of this rule.]

[(D)](C) The department shall establish priority ratings or schedules for the creation of total maximum daily loads (TMDLs) for waters on the proposed 303(d) list in accordance with the Federal Water Pollution Control Act, Section 303(d).

AUTHORITY: section 644.026, RSMo 2000. Original rule filed Nov. 5, 2003, effective July 30, 2004. Emergency amendment filed Oct. 16, 2006, effective Oct. 26, 2006, expired April 23, 2007. Amended: Filed Nov. 14, 2006, effective Aug. 30, 2007. Emergency amendment filed Sept. 15, 2008, effective Jan. 2, 2009, expires June 30, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 70—[Division of Medical Services]

MO HealthNet Division

Chapter 20—Pharmacy Program

EMERGENCY AMENDMENT

13 CSR 70-20.320 Pharmacy Reimbursement Allowance. The division is amending sections (1) and (2).

PURPOSE: This amendment changes the name of Missouri's medical assistance program to MO HealthNet, revises the name of the administering agency to MO HealthNet Division, changes program recipients to participants, corrects statutory references, and updates the tax rate methodology and maximum percentage.

EMERGENCY STATEMENT: The Department of Social Services (DSS), MO HealthNet Division must by rule establish the licensed retail pharmacy's tax rate which is required by state statute for the privilege of providing outpatient prescription drugs in Missouri. The tax is imposed upon the gross retail prescription receipts earned from filling outpatient retail prescriptions. The pharmacy tax has been in state statute since 2002. Beginning July 1, 2008, the Department of Social Services was required by the Centers for Medicare and Medicaid Services (CMS) to make modification to the taxing structure of the pharmacy tax used in State Fiscal Year 2008. As a condition of the Medicaid Partnership Plan, signed by CMS on April 10, 2008, CMS required the Department of Social Services to modify the taxing structure for the tax on outpatient prescription drugs in order to comply with the federal regulations at 42 *Code of Federal Regulations* 433 Subpart B, that require taxes be applied in a broad based and uniform manner with no hold harmless provisions and subject to an annual demonstration of any redistribution arrangement, changing it from the previous structure that utilized different tax rates for different "bands" of pharmacies. The terms and conditions of the Medicaid Partnership Plan govern the financial arrangements between CMS and DSS for the state's MO HealthNet program as of July 1, 2008. For the fiscal year that ended June 30, 2008, the state's budget included \$42 million to fund enhanced dispensing fees for pharmacies. The pharmacy tax supports the funding for the enhanced dispensing fees, which in turn ensures access to quality pharmacy services for MO HealthNet participants. The Department of Social Services in cooperation with all the outpatient retail pharmacies in Missouri has struggled with how to implement the state law in a manner that will be allowed by CMS. The collection of the provider tax and payment of the enhanced dispensing fees was temporarily suspended July 1, 2008. This emergency amendment provides for the modification of the pharmacy tax for the state fiscal year beginning July 1, 2008. The pharmacy tax structure, as outlined in the emergency amendment, complies with CMS's requirements. These adjustments to the pharmacy tax rate are estimated to continue to collect \$42 million. The pharmacy tax proceeds support enhanced dispensing fees for MO HealthNet prescriptions and medication therapy management. There are a total of one thousand two hundred (1,200) retail pharmacies currently enrolled in MO HealthNet. MO HealthNet pays more than nine hundred thousand (900,000) claims for prescription drugs for its participants each month. This emergency amendment modifies the pharmacy tax rate in order for CMS to recognize the state's tax on outpatient prescription

drugs as a permissible funding source for the MO HealthNet program to provide needed health care to the program's participants. This emergency amendment must be implemented on a timely basis to allow for the collection of the pharmacy tax and the payment of the enhanced dispensing fee to be resumed immediately, in order to ensure that quality pharmacy services continue to be provided to MO HealthNet participants during State Fiscal Year 2009. As a result, the MO HealthNet Division finds an immediate danger to public health, safety, and/or welfare and a compelling governmental interest, which requires emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 12, 2008, effective September 22, 2008, and expires March 20, 2009.

(1) Pharmacy Reimbursement Allowance (PRA). PRA shall be assessed as described in this section.

(A) Definitions.

1. Department—Department of Social Services.

2. Director—Director of Department of Social Services.

3. Division—[Division of Medical Services] **MO HealthNet Division**.

4. [Monthly g]Gross retail prescription receipts—For ease of administration for the department as well as the industry, this shall be an annual amount. The basis of tax in any fiscal year will be the gross prescription sales of the last calendar year prior to the previous fiscal year.

(B) Each pharmacy engaging in the business of providing outpatient prescription drugs in Missouri to the general public shall pay a PRA.

1. The PRA owed for existing pharmacies shall be calculated by multiplying the pharmacy's total gross retail prescription receipts by the tax rate determined by the department. Subject to the limitations established in section [538.520] **338.520**, RSMo, [the range of] such said tax rate shall be [uniformly distributed in bands determined by a ratio of total Medicaid prescriptions divided by total sales] **uniform** and shall not exceed [six percent (6%)] **five percent (5%)**.

2. The PRA shall be divided by and collected over the number of months for which the PRA is effective.

3. The initial PRA owed by a newly licensed pharmacy shall be calculated by estimating the total prescription sales and multiplying the estimate by the rate determined by the department, **as described in paragraph (1)(B)1.**

4. If a pharmacy ceases to provide outpatient prescription drugs to the general public, the pharmacy is not required to pay the PRA during the time it did not provide outpatient prescription drugs.

5. If the pharmacy reopens, it shall resume paying the PRA. It shall owe the same PRA as it did prior to closing, if the PRA has not changed per paragraph (1)(B)1.

(C) Each pharmacy shall submit an affidavit to the department with the following information:

1. Pharmacy name;

2. Contact;

3. Telephone number;

4. Address;

5. Federal tax ID number;

6. [Medicaid] **MO HealthNet** pharmacy number (if applicable);

7. Pharmacy sales (total);

8. [Medicaid] **MO HealthNet** pharmacy sales;

9. Number of paid [Medicaid] **MO HealthNet** prescriptions; and

10. Gross receipts attributable to prescription drugs that are delivered directly to the patient via common carrier, by mail, or a courier service.

(2) Payment of the PRA.

(A) Offset.

1. Each pharmacy may request that its PRA offset against any [Missouri Medicaid] **MO HealthNet** payment due to that pharmacy.

A. A statement authorizing the offset must be on file with the division before any offset may be made relative to the PRA by the pharmacy.

B. Assessments shall be allocated and deducted over the applicable service period.

C. Any balance due after the offset shall be remitted to the [D]irector of the Department of Revenue and be deposited in the state treasury to the credit of the Pharmacy Reimbursement Allowance Fund.

D. If the remittance is not received before the next [Medicaid] **MO HealthNet** payment cycle, the division shall offset the balance due from that check.

(C) Failure to comply with this request for information or failure to pay the PRA.

1. If a pharmacy fails to comply with a request for information from the [Division of Medical Services] **MO HealthNet Division** or fails to pay its PRA within thirty (30) days of notice, the PRA shall be delinquent.

2. For any delinquent PRA, the department may:

A. Proceed to enforce the state's lien of the property of the pharmacy;

B. Cancel or refuse to issue, extend, or reinstate the [Medicaid] **MO HealthNet** provider agreement; or

C. Seek denial, suspension, or revocation of license granted under Chapter 338, RSMo.

3. The new owner, as a result of a change in ownership, shall have his/her PRA paid by the same method the previous owner elected.

(D) Each pharmacy, upon receiving written notice of the final determination of its PRA, may file a protest with the director of the department setting forth the grounds on which the protest is based, within thirty (30) days from the date of receipt of written notice from the department. The director of the department shall reconsider the determination and, if the pharmacy so requested, grant the pharmacy a hearing to be held within forty-five (45) days after the protest was filed, unless extended by agreement between the pharmacy and the director. The director shall issue a final decision within forty-five (45) days of the completion of the hearing. After a final decision by the director, a pharmacy's appeal of the director's final decision shall be to the Administrative Hearing Commission in accordance with section/s] 208.156, RSMo 2000 and section 621.055, RSMo Supp. [2001] 2007.

(E) PRA Rates.

1. The PRA tax [rates] **rate** will be [done in bands and will be determined by the ratio of paid Medicaid claims to total prescription sales] **a uniform effective rate of eighty-nine hundredths percent (.89%) with an aggregate annual adjustment, by the MO HealthNet Division, not to exceed five hundredths percent (.05%) based on the pharmacy's total prescription volume.**

2. The maximum rate shall be [six percent (6%)] **five percent (5%).**

[3. *Adjustments will be made to the tax rate if the average Medicaid prescription charge for an individual entity is statistically different than that of the other entities in the assigned tax band.*]

AUTHORITY: sections 208.201[, RSMo 2000] and 338.505, RSMo Supp. [2003] 2007. Emergency rule filed June 20, 2002, effective July 1, 2002, expired Feb. 27, 2003. Original rule filed July 15, 2002, effective Feb. 28, 2003. Amended: Filed Feb. 3, 2003, effective Aug. 30, 2003. Amended: Filed Nov. 3, 2003, effective April 30, 2004. Emergency amendment filed Sept. 12, 2008, effective Sept. 22,

2008, expires March 20, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 10—Voting Machines (Electronic)

EMERGENCY AMENDMENT

15 CSR 30-10.110 Manual Recount. The secretary is amending sections (2) and (3), adding new sections (4) and (7), and renumbering remaining sections accordingly.

PURPOSE: This amendment enhances the method for the election authority, the secretary of state, and the general public to compare electronically tabulated vote results with manual recounts of selected races and ballot issues in certain election precincts by increasing the number of election precincts that are selected for these manual recounts and changing the races and ballot issues that are selected.

EMERGENCY STATEMENT: The Help America Vote Act (HAVA) of 2002 required each state to enact laws and regulations to improve election administration and to provide voting systems which are accessible to individuals with disabilities and which provide notice to a voter who has overvoted with an opportunity to correct their ballot before it is cast. Missouri has in place HAVA-compliant voting systems statewide, and the Elections Division is taking proactive steps to enhance the current audit procedures with regard to those systems. After the 2006 general election, from early 2007 through April 2008, in anticipation of the first presidential election in which all states will use HAVA-compliant voting systems, several states have conducted studies of the new electronic voting systems and have issued reports on their strengths and weaknesses. Some of these states also determined that these weaknesses can be mitigated with enhanced post-election audit procedures. In 2007, California conditioned continued use of its Direct Recording Electronic systems (DREs) on enhanced post-election audit requirements and established post-election manual count auditing requirements which included increased manual count sample sizes for close races. Connecticut has established extensive post-election audit procedures that include a manual audit of the votes recorded in not less than ten percent (10%) of the voting districts in the state. Several national public policy organizations have also issued reports suggesting that enhanced post-election audit requirements are vital to voting system security. In 2007, the Brennan Center for Justice's report, entitled "Post-Election Audits: Restoring Trust in Elections," stated that "[p]ost-election audits of voter-verifiable paper records are a critical tool for detecting ballot-counting errors, discouraging fraud, and improving the security and reliability of electronic voting machines. . . ." The Elections Division has been in the process of reviewing these reports as they are published and communicating with the local election authorities. The secretary of state's office convened a group of local election authorities on April 30, 2008, to receive their input on the need for enhanced post-election audit requirements. In the months following this meeting, the secretary of state's office worked with the local election authorities to incorporate their comments into the proposed amendment and to develop a fiscal note. In November 2008, all Missouri voters will cast their ballots using either DREs or Optical Scan Counters or some combination of the two. As the local jurisdictions are in the process of preparing for the first general gubernatorial and presidential elections in which these voting systems will be used, it is apparent that the potential for a record turnout in November 2008 (for example, the presidential preference primary held in Missouri in February 2008 generated a record turnout of thirty-six percent (36%)) and the national trend toward narrow margins in election results makes enhanced post-election audit requirements crucial to the improvement of election administration and continued public confidence in the

election process. Without an emergency rule, there would be no way to implement enhanced post-election audit procedures that are based on the reports of other states and organizations prior to the November election. The above statement demonstrates that a compelling governmental interest exists for enhanced post-election audit requirements for use with voting on electronic voting systems in Missouri. The secretary of state has filed a proposed amendment and an emergency amendment establishing such requirements. This amendment provides improved audit procedures for Optical Scan and Direct Recording Electronic voting systems.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed September 15, 2008, effective September 25, 2008, and expires March 23, 2009.

(2) *[After the electronic recount provided for in 15 CSR 30-10.060(2)(G) and p]* Prior to the certification of the election results, the accuracy certification team shall randomly select not less than *[one (1) precinct for every one hundred (100) election precincts or fraction thereof]* five percent (5%) of all election precincts through the use of a random drawing, but not less than one (1) precinct, in order to conduct a manual recount of selected contested races and ballot issues in the selected precinct(s). Random selection of the precincts shall be open to any member of the public, and the election authority shall notify the public of the time and place of the selection process no later than forty-eight (48) hours prior to the beginning of the selection process by posting a notice in a prominent place, which is easily accessible to the public and clearly designated for that purpose, at the principal office of the election authority.

(3) Recount of the randomly selected precinct(s) shall be conducted in the following manner:

(C) One (1) contested race or ballot issue to be manually recounted shall be randomly selected from each of the following categories, where applicable:

1. Presidential and Vice-Presidential electors, United States senate candidates and state-wide candidates;
2. State-wide ballot issues;
3. United States representative candidates and state general assembly candidates;

4. Partisan circuit and associate circuit judge candidates and all nonpartisan judicial retention candidates; *[and]*

5. In addition to the candidates and issues previously listed, the manual recount team shall select not less than *[three (3)] one (1)* contested race/s/ or ballot issue/s/ from all political subdivisions and special districts, including the county, in the selected precinct(s). *When there are three (3) or fewer contested races or ballot issues within this category at a selected precinct, all shall be counted.; and*

6. In addition to the candidates and issues previously listed, the manual recount team shall select all races in which the margin of victory between the two (2) top candidates is equal to or less than one-half of one percent (0.5%) of the number of votes cast for the office or issue.

(4) If the results of the manual recount of the selected races and ballot issues differ by more than one-half of one percent (0.5%) from the results of the electronically tabulated vote results, the manual recount team shall immediately notify the election authority, who shall investigate the causes of any discrepancy and resolve any discrepancies prior to the date of certification set forth in section 115.507, RSMo.

[(4)](5) The secretary of state, at his/her sole discretion, and upon the showing of good cause by an election authority not less than three (3) weeks prior to the date of an election, may waive the manual recount requirement for any political subdivision or special district holding an election on the election date.

[(5)](6) Upon completion of the manual recount, the manual recount team shall reseal the ballots and other support materials in the appropriate containers. The results of the manual recount shall be reported on certificates provided by the secretary of state. One (1) copy shall be filed with the secretary of state within four (4) weeks of the election date and one (1) copy shall be filed with the public records of the election.

(7) The secretary of state may make grant funds available to reimburse election authorities for the cost of conducting manual recounts under section (2) and paragraph (3)(C)6. of this rule.

AUTHORITY: section 115.225.1., RSMo [1986] Supp. 2007. Original rule filed Jan. 3, 1990, effective March 26, 1990. Emergency amendment filed Sept. 15, 2008, effective Sept. 25, 2008, expires March 23, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2007.

EXECUTIVE ORDER 08-29

WHEREAS, the Missouri Department of Health and Senior Services is established by Chapter 192 RSMo.; and

WHEREAS, the Missouri Department of Transportation is established by Article IV, Section 12 of the Missouri Constitution and Chapter 226, RSMo.; and

WHEREAS, Chapters 306 and 577, RSMo., require the Missouri Department of Health and Senior Services to license and regulate the chemical analysis used in determining the alcohol or drug content of motor vehicle and watercraft operators; and

WHEREAS, the Breath Alcohol Program is responsible for performing on-site inspection of breath analyze, as well as, approving permits to operate and maintain evidential breath analyzers; permits to analyze blood, urine and saliva for drugs; and courses to instruct permit holders in the use of breath analyzer equipment; and

WHEREAS, the Breath Alcohol Program was established to ensure alcohol and drug testing is conducted in a uniform way throughout the state; and

WHEREAS, Executive Order 07-05 transferred by Type I transfer the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation under gubernatorial powers expressed in the Omnibus State Reorganization Act of 1974 in expectance of increased efficiencies and cost savings; and

WHEREAS, Executive Order 07-05 became effective on August 28, 2007; and

WHEREAS, unforeseen administrative issues with the transfer made by Executive Order 07-05 have made the transfer inefficient and not cost effective; and

WHEREAS, the Department of Health and Senior Services continues to administer the Breath Alcohol Program.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the state of Missouri, including the Omnibus State Reorganization Act of 1974, do hereby order the Missouri Department of Transportation and the Missouri Department of Health and Senior Services to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services, by Type I transfer, as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Breath Alcohol Program to the Missouri Department of Health and Senior Services; and
3. Transfer the responsibility for staff support for the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services; and
4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this transfer.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95th General Assembly.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on the 12th day of September, 2008.

A handwritten signature in black ink, reading "Matt Blunt". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Matt Blunt
Governor

A handwritten signature in black ink, reading "Robin Carnahan". The signature is cursive, with the first letters of the first and last names being capitalized and prominent.

Robin Carnahan
Secretary of State

EXECUTIVE ORDER

08-30

Whereas, I have been advised by the Director of the State Emergency Management Agency that the on-going and forecasted severe storm systems have caused, or have the potential to cause, damages associated with tornados, high winds, hail, flooding, and flash-flooding in communities throughout the state of Missouri; and

Whereas, the severe weather that began on September 11, 2008 and is continuing, has the potential to create a condition of distress and hazard to the safety, welfare, and property of the citizens of the state of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

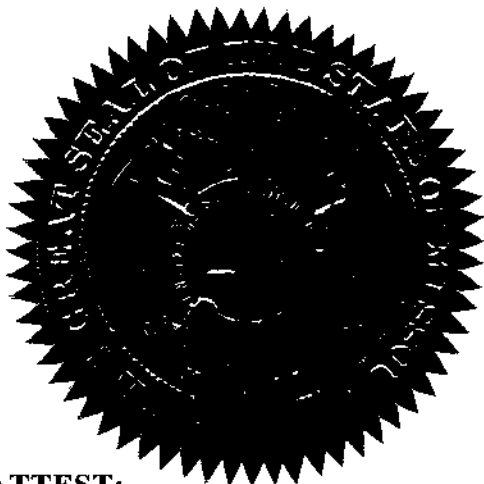
Whereas, the state will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

Whereas, the citizens and communities of Missouri are still recovering from the effects of the February, March, May, and June 2008 major disasters; and

Whereas, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

Now, Therefore, I, PETER KINDER, LIEUTENANT GOVERNOR OF THE STATE OF MISSOURI, upon express delegation of Matt Blunt, Governor of the state of Missouri, and by virtue of the authority vested in him by the Constitution and Laws of the state of Missouri, including Section 41.480.2 RSMo, order and direct the Adjutant General of the state of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this state.

This order shall terminate on October 15, 2008 unless extended in whole or in part.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on the 15th day of September, 2008.

A handwritten signature in black ink, reading "Peter Kinder".

Peter Kinder
Lieutenant Governor

A handwritten signature in black ink, reading "Robin Carnahan".

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-31**

Whereas, I have been advised by the Director of the State Emergency Management Agency that the on-going and forecasted severe storm systems have caused, or have the potential to cause, damages associated with tornados, high winds, hail, flooding, and flash-flooding in communities throughout the state of Missouri; and

Whereas, the severe weather that began on September 11, 2008 and is continuing, has the potential to create a condition of distress and hazard to the safety, welfare, and property of the citizens of the state of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

Whereas, the state will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

Whereas, the citizens and communities of Missouri are still recovering from the effects of the February, March, May, and June 2008 major disasters; and

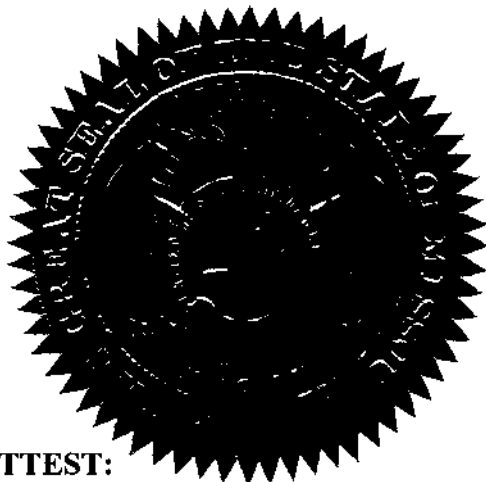
Whereas, the resources of the state of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

Whereas, an invocation of the provisions of Section 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

Now, Therefore, I, PETER KINDER, LIEUTENANT GOVERNOR OF THE STATE OF MISSOURI, upon express delegation of Matt Blunt, Governor of the state of Missouri, and by virtue of the authority vested in him by the Constitution and Laws of the state of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the state of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on October 15, 2008, unless extended in whole or in part.

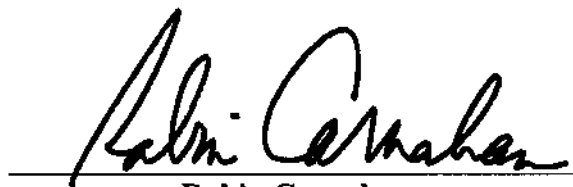


ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on the 15th day of September, 2008.



Peter Kinder
Lieutenant Governor



Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 2—Administration**

PROPOSED AMENDMENT

8 CSR 10-2.020 Charges for Copies of Records, Reports, Decisions, Transcripts or Other Papers or Documents. The division is amending section (2).

PURPOSE: *This amendment implements federally mandated requirements regarding the disclosure of confidential unemployment compensation records.*

(2) Exceptions to the provisions of section (1) of this rule[—] are as follows:

(A) *[No charge shall be made for any material furnished to*

any state or federal governmental agency which administers any unemployment compensation system or any program related to an unemployment compensation system, except in those cases where that agency has funds available for payment of those charges and a contract or agreement has been signed by both agencies;] **The division may choose, within its discretion, to provide records without payment to any party who is otherwise authorized to receive them and who qualifies for free records under 20 CFR Part 603.** In such cases, the division will make a finding that the information is necessary for the proper administration of the unemployment compensation program, that the disclosure involves no more than an incidental amount of staff time and no more than nominal processing costs, or that the division has a reciprocal agreement in place with the recipient, under which both parties receive approximately equal benefits; or

(B) In any proceeding pending before an appeals tribunal, claimants or their attorneys, upon request in writing to the appeals tribunal, shall be supplied with information from the division's records without charge to the extent necessary for the proper preparation and presentation of any claim for unemployment or any appeal; or]

[(C) Any entity required to be charged for documents who is without funds to pay for the same, upon application to and approval by the director, may be furnished with the necessary documents without charge].

AUTHORITY: *sections 288.220.5[¹, RSMo Supp. 1999] and 288.360.3, RSMo [1994] 2000. This rule was previously known as regulation no. 19. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 12, 2008.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Spencer Clark, Acting Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 5—Appeals**

PROPOSED AMENDMENT

8 CSR 10-5.010 Appeals to an Appeals Tribunal. The division is amending sections (2) and (3).

PURPOSE: *This amendment adds a definition for "participant," clarifies the definition of "agent," clarifies the difference between "participants" and "parties" in hearings before an appeals tribunal and that only a party can satisfy the appearance requirement for a hearing, expands the definition of "party," and provides consistency and simplification in terms and subsection designations.*

(2) For purposes of these regulations, the following definitions apply:

(A) Agent—The person authorized to act in a representative capacity for *[a claimant]* **an individual** pursuant to Missouri Supreme Court Rule 5.29(b) and these regulations;

(B) Appear means that the *[participants]* **parties**—

1. Arrive at the physical location of the hearing at the time and location set forth on the notice of hearing; or

2. Provide telephone numbers as instructed on the notice of hearing within the designated time frame and answer at the time of the hearing;

(E) **Participant—Any party, representative, or witness taking part in a hearing;**

[(E)/(F)] **Party—***[The individual, agency or business entity which has taken action to become an interested party pursuant to 288.070, 288.130, and 288.160, RSMo;]*

1. **The claimant, if any;**

2. **Any employer or employing unit that has filed a protest that complies with section 288.070, RSMo;**

3. **Any employer or employing unit from whose employment the claimant was separated during a week claimed, other than a week during which an initial claim or a renewed claim was effective;**

4. **Any employer or employing unit having a legal interest in any determination made under section 288.130, RSMo;**

5. **Any person, employer, or employing unit having a legal interest in any assessment made under section 288.160, RSMo; or**

6. **The Division of Employment Security;**

[(F)/(G)] **Representative—**Any person acting in a representative capacity with regard to unemployment appeals as authorized by Chapter 288, RSMo, Missouri Supreme Court Rules, and these regulations. Depending on the context, the word is used to refer both to employer representatives and all persons authorized to act in a representative capacity in these matters;

[(G)/(H)] **Split hearing/s—***[Those]* **An appeals hearing/s** in which some *[parties and their witnesses may]* **participants are scheduled to** appear in person and others by telephone, by pre-arrangement with the hearing officer;

[(H)/(I)] **Telephone hearing—**An appeals hearing in which all participants appear by telephone; **and**

[(I)/(J)] **Witness—**A person who *[is presented for testimony at a hearing by]* **testifies at a hearing on behalf of** a party to an appeal.

(3) Appeal to be Written.

(A) Any signed, legible written notice filed by a party in accordance with these regulations, which expresses disagreement with or otherwise indicates a desire to appeal a determination or redetermination, in the absence of a reconsideration by the deputy, shall constitute an appeal. An appeal must be signed by the *[claimant, the claimant's/ party (including any officer or employee of an employing unit) or the party's]* authorized agent~~/, the employing unit (including any officer or employee of it),~~ or by a licensed attorney representing *[either the claimant or employing unit]* **a party**. A person acting as a *[claimant's/ party's]* authorized agent shall submit an authorization signed by *[the claimant]* **that party** as soon as that authorization occurs. *[The authorization must include the name, social security number and signature of the claimant and a statement that the named agent is acting on behalf of the claimant.]*

(D) Any signed, legible written notice filed by a party in accordance with these regulations, which sets forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous shall constitute a petition for reassessment. A petition for reassessment must be signed by the *[claimant, if any,]* **party (including any officer or employee of an employing unit), the [claimant's/ party's]** authorized agent, *[the employing unit (including any officer or employee of it),]* or by a licensed attorney representing *[either the claimant or employing unit]* **a party**.

AUTHORITY: *section[s]* 288.190, **RSMo Supp. 2007** and *section* 288.220.5, **RSMo 2000**. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 12, 2008.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Ronald J. Miller, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Division 10—Division of Employment Security

Chapter 5—Appeals

PROPOSED AMENDMENT

8 CSR 10-5.015 Appeal Hearings and Procedures. The division is amending sections (1), (4), (5), (7), and (9) through (11).

PURPOSE: *This amendment provides new, simplified, clarified, consistent, or more specific division procedures for providing copies of file materials prior to hearings, for granting continuances for hearings, for representing parties, for the conduct of parties and participants in hearings, for appeals tribunal evidentiary rulings, and for addressing additional issues that arise in hearings and changes existing language to conform with such changes and the changes effected in 8 CSR 10-5.010, to be more affirmative, to eliminate redundant information, to conform with the sentence structure of surrounding or similar provisions, and to correct typographical and punctuation errors.*

(1) Copy of Appeal. Upon the division's receipt of an appeal, the appeal shall be acknowledged and the parties shall be provided with a copy of the division's informational pamphlet concerning hearings *[and copies of the documents from the appeals file upon which the determination was based]*.

(4) Hearings may be conducted in~~/~~ person, by telephone, or by a combination of telephone and in-person attendance referred to as a split hearing in this regulation.

(C) *[The]* **A** hearing officer may, on the hearing officer's own motion or the motion of a party, schedule a matter for an in-person hearing or adjourn any split or telephone hearing in progress for an in-person hearing, if, in the hearing officer's opinion, conducting any part of the hearing by telephone is unsatisfactory.

(D) **A hearing officer may, on the hearing officer's own motion or the motion of a party, schedule a split hearing**, *with the parties present at different locations at the same time, may be scheduled only* if an in-person or telephone hearing is not possible or *[the parties agree to or request a split hearing]* **a participant is located more than fifty (50) miles from the in-person hearing location.**

(5) Notices of Hearing.

(A) Notice of Hearing shall be mailed, by regular United States

mail, to the address of record in the appeal file of each party, attorney who has entered an appearance, and others **properly** appearing in a representative capacity *[who have filed notice of intent to represent]*. Notices shall be mailed at least seven (7) days prior to the date of the hearing. These notices shall specify the date, time, and place or method of hearing and shall set forth the address of the office to which all requests or other correspondence concerning the hearing should be directed. **A copy of the contents of the appeal file will also be mailed with the hearing notice.**

(7) Continuances and Additional Evidence.

(B) All parties shall be prepared to introduce all of their evidence when the case is set for hearing as continuances for additional evidence will be granted only when the hearing officer is satisfied that the additional evidence is necessary to a full and complete hearing and was unavailable at the original setting because of surprise, *[or]* because the party was unable to obtain the evidence after diligent and good faith efforts to obtain such evidence, **or because the party was unable to timely supply the evidence to all the parties and the hearing officer after making a diligent and good faith effort to timely provide such evidence.**

(9) Participation and Representation at Hearings.

(A) **An *[claimant]* individual** may represent him/herself or be represented by a duly authorized agent, *who may not charge a fee for the representation*. **Except for services provided by licensed lawyers, an individual shall not be charged fees of any kind for representation. For purposes of this rule individual means a claimant or sole proprietor.**

(B) A party, which is a corporation, partnership, *[or]* other business entity authorized by law, **or a governmental entity including Indian tribes**, may be represented by an officer or a person employed full-time in a managerial capacity. For purposes of this regulation, managerial capacity includes any person who has managerial or supervisory duties as defined by the party.

(C) An employee of a corporation, partnership, *[or]* other business entity authorized by law, **or a governmental entity including Indian tribes** who is not an officer or full-time managerial employee may appear, *and* testify *[and offer exhibits]* in hearings in which the *[business]* entity is a party. The employee's *participation at the hearing is limited to testifying and offering exhibits* **may make documents or other evidence available to the referee for entry into the record during the hearing.**

(E) *[All persons who will be acting in a representative capacity on behalf of a party before the hearing officer shall file notice of their intent to represent the party as soon as possible after being retained or chosen.]* Attorneys shall file an entry of appearance, **and** agents shall file an authorization signed by the claimant **or sole proprietor**, *and representatives shall file a statement of intent to act on behalf of the entity*.

(F) No subsequent entry of appearance or *[notice of intent]* **authorization** to represent shall be honored absent written withdrawal by the previous representative.

(G) In order to protect the integrity and fairness of the appeals process, the hearing officer requires all parties and *[persons acting in a representational capacity]* **participants** to comply with the following rules of conduct:

1. *[All p/Participants]* shall appear for the hearing and be ready to proceed no later than the starting time listed on the notice of hearing;

2. *[All p/Participants]* shall comply with all directions given by a hearing officer during a hearing;

3. Participants *[may]* **shall** not use dilatory tactics prior to or during a hearing;

4. Participants *[may]* **shall** not engage in abusive conduct, harass, intimidate, threaten, or cause physical harm to any hearing officer, party, witness, or member of the public in attendance;

5. Participants *[may]* **shall** not act in a manner disruptive or

disrespectful to the operations of the appeals' process;

6. *[All p/Participants]* shall act in good faith and with integrity during the representation of a party and shall adhere to reasonable standards of orderly and ethical conduct;

7. The representative shall, to the extent reasonably possible, restrain the **represented party *[represented by that individual]* and its witnesses** from improprieties in connection with the hearing; and

8. Any *[individual]* **participant** who fails to follow these rules *[will]* **may** be excluded from the hearing.

(10) Conduct of Hearings.

(B) In any hearing before a hearing officer, the following shall be the applicable rules of evidence and procedure:

1. Oral evidence shall only be taken by oath or affirmation;

2. Subject to this chapter's restrictions regarding representation, each party has the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not a subject of the direct examination, to impeach any witness, regardless of which party first called the witness to testify, and to rebut the evidence against him/her;

3. A party who does not testify in his/her own behalf may be called and examined as if under cross-examination;

4. The hearing need not be conducted according to the common law or statutory rules of evidence or the technical rules of procedure. Hearsay evidence is generally admissible. Evidence is admissible if it is not irrelevant, immaterial, privileged, or unduly repetitious. Hearsay which is timely objected to shall not constitute competent evidence which, by itself, will support a finding of fact. A party or *[his/her attorney]* **the party's representative** may advise the hearing officer of a defect in the character of any evidence introduced by voicing an objection. The hearing officer shall rule on the admissibility of all evidence **to which an objection has been made**. Any evidence received without objection which has probative value shall be considered by the hearing officer along with other evidence in the case;

5. Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence, or event, shall be admissible as evidence of the act, transaction, occurrence, or event, if it was made in the regular course of any business and that it was the regular course of the business to make the memorandum or record at the time of the act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of the writing or record, *[may]* be shown to affect the weight of the evidence, but the showing shall not affect its admissibility. The term business shall include business, profession, occupation, and calling of every kind; and

6. All documents introduced as evidence shall be marked as exhibits. A photocopy may be substituted for an original document. Whenever practicable, demonstrative and physical evidence also shall be marked and placed in the record; otherwise, it shall be described in detail on the record.

(C) If the hearing officer believes that the deputy's determination did not apply the correct provision(s) of law to the factual situation presented, the hearing officer, after informing the parties **and inquiring as to whether additional time is needed to prepare**, may expand or otherwise alter the hearing to include the correct issues involved. If one (1) or more parties object to the change in the hearing, the hearing officer shall continue the hearing to allow the parties time to prepare for the proper issues.

(11) Reassignment of Hearing Officer. A hearing officer may be reassigned under the following conditions:

(B) A hearing officer shall not conduct a hearing in which he/she may have a personal interest or conflict of interest or in which he/she

would have a personal bias towards or against any of the *[parties]* participants;

(C) Any party to a proceeding before a hearing officer may request the disqualification of the hearing officer assigned to the proceeding by filing with the chief referee a signed, written statement detailing the reasons why the disqualification is necessary. This request must be filed **as soon as possible in the appeals process but in any event no later than [five (5)] two (2) days prior to the [scheduled hearing] date of hearing.** The chief referee, or designee, shall issue a written ruling on the request. The written ruling shall be interlocutory but may be specified as a grounds for appeal following the issuance of the decision of the hearing officer; and

AUTHORITY: section[s] 288.190, *RSMo Supp. 2007* and section 288.220.5, *RSMo 2000*. Original rule filed Dec. 14, 1982, effective March 13, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 12, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Ronald J. Miller, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 5—Appeals**

PROPOSED AMENDMENT

8 CSR 10-5.030 Telephone Hearings Before an [Hearing Officer] Appeals Tribunal. The division is amending the title and sections (1) through (3).

PURPOSE: This amendment changes the wording of the title from “hearing officer” to “appeals tribunal,” changes the word “judicial” to “quasi-judicial,” and makes changes to be consistent with the new pre-hearing mailing procedures instituted in 8 CSR 10-5.015; simplifies and clarifies the process required for the presentation of exhibits in telephone hearings; eliminates or modifies redundant, negative, and passive language; provides a procedure for an appeals tribunal to follow if a party becomes disconnected during the course of a telephone hearing; provides a new evidentiary procedure for notes and records used by participants during the course of telephone hearings; and provides consistency and simplification of provisions and subsection designations.

(1) Exhibits.

(A) Copies of the contents of the appeal file *[upon which the determination is based which may be used as exhibits]* shall be mailed **with the notice of hearing** to the parties *[to]* involved in telephone hearings and split hearings *[prior to the hearing date]* and may be used as exhibits by a party or the hearing officer during the hearing.

(B) Parties to split or telephone hearings shall mail, fax, or deliver copies of potential exhibits, **other than documents already a part of the appeal file that were mailed with the notice of hearing**, to the hearing officer, *[and any other]* named *[party]* parties,

or **known representatives** in sufficient time for the exhibits to reach those locations prior to the hearing.

(C) Mailing of exhibits shall be to the address of the *[party]* parties or **representatives** shown on the Notice of Hearing. The item(s) shall be designated as a potential exhibit and paginated.

(2) Participation.

(A) *[Election of an in-person hearing by a party must be conveyed to the hearing officer at least two (2) days prior to the hearing and acknowledged by the hearing officer.] A party may elect to appear in person as provided in section 8 CSR 10-5.015(4).* Absent acknowledgement, a party may not assume that its appearance is scheduled in-/ person.

(B) Election by a party *[not to participate by telephone]* to **appear in person** shall not be binding on other parties to the proceeding who may, at the discretion of the hearing officer **in accordance with subsection 8 CSR 10-5.015(4)(D)**, present evidence by telephone.

(C) If **telephone technical difficulties prevent** a hearing officer *[is unable to]* from contacting a party who has provided a number to participate *[as scheduled]* by telephone *[due to land based telephone technical difficulties]*, the hearing shall not be dismissed but must be rescheduled. For purposes of this regulation, technical difficulties shall not include use of the telephone by the party for other calls, failure of battery-powered, digital, or cellular phones due to location or failure of power, or failure to provide access or security codes.

(D) If a party participating in a hearing by telephone is disconnected, the hearing officer will make at least one (1) attempt to reconnect the party to the hearing. If the hearing officer is unable to reconnect the party, the hearing will continue with the remaining party, and a decision will be issued based on the evidence presented during the hearing. If the party who is disconnected is the only party, or is the appellant, and there is insufficient evidence on which to base a decision, the hearing officer may dismiss the appeal. A dismissal is subject to being set aside under the provisions of 8 CSR 10-5.040.

[(D)](E) Whenever a *[party]* participant does not have access to a telephone, the *[party]* participant may appear by telephone from any Workforce Development office. In that event, the telephone number at that location shall be provided by the *[participant]* party in accordance with instructions included on the Notice of Hearing.

(3) Testimony.

(B) A witness may use notes or records to refresh his/her memory *[so long as copies of the records or items used for that purpose have been mailed, faxed, or otherwise delivered to the other participants by the time of the hearing in order to allow cross-examination of the witness on that basis]*. If a party objects to the witness’s use of the notes or records to refresh his/her memory, the hearing officer may continue the hearing on another date and order the party sponsoring the witness to mail, fax, or otherwise deliver copies of the notes or records to the other parties by the time of the rescheduled hearing in order to allow examination of the witness based upon those notes or records.

(D) Telephone hearings are quasi-judicial evidentiary proceedings and shall not be subject to interruptions. If a *[party]* participant leaves the phone for any reason, such action shall be considered voluntary and the hearing shall proceed without such *[party]* participant (subject to the provisions of subsection 8 CSR 10-5.030(2)(D)).

AUTHORITY: section[s] 288.190, *RSMo Supp. 2007* and section 288.220.5, *RSMo 2000*. Original rule filed Dec. 14, 1982, effective March 13, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 12, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Ronald J. Miller, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 5—Appeals**

PROPOSED AMENDMENT

8 CSR 10-5.040 Orders of an [Hearing Officer] Appeals Tribunal. The division is amending the title and section (2) and deleting section (5). The division is removing the reference to an appellate case which follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment changes the wording of the title from "hearing officer" to "appeals tribunal" and the procedure connected with a failure-to-participate hearing and deletes redundant procedures. This amendment removes reference to an appellate case as it refers to a previous version of the rule.

(2) Failure to Appear for Hearings.

(B) If such dismissal is set aside, the matter shall be scheduled for hearing. The threshold issue shall be whether the appellant had good cause for failing to appear for the prior setting. The merits of the appeal *[may]* **shall** also be heard. If good cause is not found, the hearing officer shall reinstate the order of dismissal. If good cause is found, the hearing officer shall rule on the merits of the appeal.

[(5) Application for Review.

(A) When a written request to reconsider or set aside an order of dismissal is not granted, the request shall be considered an application for review to the Labor and Industrial Relations Commission.

(B) Any written request by the appellant to set aside an order of withdrawal shall be considered an application for review to the Labor and Industrial Relations Commission.]

AUTHORITY: section[s] 288.190, RSMo Supp. 2007 and section 288.220.5, RSMo 2000. Original rule filed Dec. 14, 1982, effective March 13, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 12, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Ronald J. Miller, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 5—Appeals**

PROPOSED AMENDMENT

8 CSR 10-5.050 Decisions of an Appeals Tribunal. The division is amending sections (1), (2), and (3), adding a new section (5), and renumbering and revising the remaining section.

PURPOSE: This amendment clarifies procedures for decision writing, changes language to make sentence structures less passive and more readable, provides a new procedure in the case where a non-appealing party failed to participate in a previous hearing, and provides consistency and simplification of provisions and subsection designations.

(1) Upon conclusion of the hearing, *[the]* a hearing officer shall prepare a written decision. The decision shall be based solely upon competent and substantial evidence contained in the official record.

(2) The decision *[may]* **shall** include, but shall not be limited to, the following:

(A) Findings of fact necessary for resolution of the issues~~/,/~~. **The findings shall be based upon evidence presented at the hearing,** stipulation of the parties, or matters officially noticed by the hearing officer *[shall be so designated]*;

(3) Notification of the decision shall include the following procedure:

(A) A copy of the decision shall be mailed to the address of record of the parties and attorneys of record, if any, by regular United States mail. Information accompanying the decision shall advise the parties of their right to~~/, and the means by which,/~~ file an application for review of the decision *[may be filed]* with the Labor and Industrial Relations Commission **and the manner whereby they may accomplish such filing;** and

(5) If an interested party, who is not the appellant, fails to appear for a hearing and the resulting decision is adverse to that party's interest, the party may request reconsideration of the decision. If the decision is set aside, the matter shall be scheduled for hearing. The threshold issue shall be whether the party requesting reconsideration had good cause for failing to appear for the prior setting. The merits of the appeal shall also be heard. If good cause is not found, the hearing officer shall reinstate the original decision. If good cause is found, the hearing officer shall rule on the merits of the appeal. A hearing officer may set aside a decision and have the appeal reset for hearing if the request and set aside occur within thirty (30) days of the decision.

[(5)] (6) If the hearing officer receives a signed written communication from a party which expresses disagreement with a decision or order, or which otherwise indicates a desire to file an application for review, the hearing officer shall forward it to the Labor and Industrial Relations Commission. This section does not supersede the provisions of this chapter regarding orders of dismissal or provisions governing reconsideration of adverse decisions.

AUTHORITY: section[s] 288.190, RSMo Supp. 2007 and section 288.220.5, RSMo 2000. Original rule filed Oct. 17, 1988, effective March 26, 1989. Emergency amendment filed July 25, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Amended: Filed July 25, 1996, effective Jan. 30, 1997. Amended: Filed April 5, 2002, effective Oct. 30, 2002. Amended: Filed Sept. 12, 2008.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Ronald J. Miller, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes. The commission proposes to amend subsection (1)(B). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: *This regulation restricts the emission of particulate matter in the source gas of an operation or activity. This proposed amendment will eliminate outdated information and clarify the intent of the regulation by correcting a reference and adding exemptions. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a July 21, 2004 letter from the City of St. Louis Department of Health, a rule comment form dated November 5, 2004 from Missouri Department of Natural Resources staff, and a February 9, 2007 email from the St. Louis County Department of Health.*

(1) Applicability.

(B) The provisions of this rule shall not apply to the following:

1. Cotton gins;
2. The grinding, crushing, and classifying operations at a rock quarry;
3. The receiving and shipping of whole grain from or into a railroad or truck transportation source at a grain elevator;
4. Smoke generating devices, as defined in subsection (2)(D) of this rule, when a required permit or a written determination that a permit is not required has been issued or written;
5. Batch-type charcoal kilns required to comply with 10 CSR 10-6.330;
6. The burning of fuel for indirect heating;
7. Fugitive emissions;
8. Emission sources that are exempt from construction permitting under [10 CSR 10-6.060 paragraphs (1)(D)1. and (1)(D)2.] **10 CSR 10-6.061;**

9. Emission sources that are permitted by rule under 10 CSR 10-6.062;

[9./10. The burning of refuse;

[10./11. The processing of salvageable material by burning;

[11./12. Emission units that at maximum design capacity have a potential to emit less than one-half (0.5) pounds per hour of particulate matter; [and]

[12./13. The grinding, crushing, and conveying operations at a power plant./];

14. Coating operations equipped with a control system designed to control at least ninety-five percent (95%) of the particulate overspray provided the system is operated and maintained in accordance with manufacturers' specifications or comparable maintenance procedures that meet or exceed manufacturers' specifications;

15. Any particulate matter emission unit that is subject to a federally enforceable requirement to install, operate, and maintain a particulate matter control device system that controls at least ninety percent (90%) of particulate matter emissions; and

16. Emission units that at maximum hourly design rate (MHDR) have an uncontrolled potential to emit less than the allowable emissions as calculated in paragraphs (3)(A)1. and (3)(A)2. of this rule.

AUTHORITY: *section 643.050, RSMo [Supp.] 2000. Original rule filed Jan. 14, 2000, effective Aug. 30, 2000. Amended: Filed Dec. 22, 2000, effective Sept. 30, 2001. Amended: Filed Sept. 9, 2008.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *A public hearing on this proposed amendment will begin at 9:00 a.m., December 4, 2008. The public hearing will be held at the Governor Office Building, Room 450, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 11, 2008. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 7—Water Quality**

PROPOSED AMENDMENT

10 CSR 20-7.050 Methodology for Development of Impaired Waters List. The department's Water Protection Program is amending subsection (4)(A) and removing the reference in subsection (4)(B) to the "Methodology for the Development of the 2006 Section 303(d) List for Missouri" and the reference in subsection (4)(C) to the methodology as set forth in subsection (4)(B).

PURPOSE: *This rule describes the process used to develop the list of impaired waters as required by the Federal Water Pollution Control Act, Section 303(d), for the purpose of identifying those waters that do not fulfill their designated uses and require the development of total maximum daily loads. Removal of subsection (4)(B) and reference to subsection (4)(B) in subsection (4)(C) removes the requirement to amend the rule whenever an impaired waters list is produced.*

The approval of the methodology by the Missouri Clean Water Commission is needed before beginning water quality assessments for the purpose of completing the 303(d) list.

(4) Creation of the Proposed 303(d) List.

(A) The department shall develop a detailed methodology for identifying waters that are impaired and shall submit the methodology to public review prior to the development of an impaired waters list. The methodology shall include an explanation of how data are used, how the data are evaluated to determine impairment, and how a list of impaired waters is developed. The development of the methodology shall involve at least one (1) stakeholder meeting inviting all persons expressing an interest in the methodology and a sixty (60)-day comment period on the final draft. **Following the review of public comments on the draft methodology, the department will provide written responses to the comments and obtain approval of the methodology from the Missouri Clean Water Commission before beginning water quality assessments for the purpose of completing the 303(d) list.**

[(B) The methodology established in accordance with subsection (4)(A) of this rule is hereby incorporated by reference and is known as the "Methodology for the Development of the 2006 Section 303(d) List for Missouri," Missouri Department of Natural Resources, Division of Environmental Quality, Water Protection Program—Approved by the Clean Water Commission on June 7, 2006. No later amendments or additions are included. This document shall be made available to anyone upon written request to the Department of Natural Resources, Water Protection Program, Water Pollution Control Branch, PO Box 176, Jefferson City, MO 65102-0176. The department will maintain a copy of this document on the web at <http://www.dnr.mo.gov>.]

[(C)](B) The 303(d) list shall be developed in accordance with section 644.036.5, RSMo. [and in accordance with the methodology set forth in subsection (4)(B) of this rule.]

[(D)](C) The department shall establish priority ratings or schedules for the creation of total maximum daily loads (TMDLs) for waters on the proposed 303(d) list in accordance with the Federal Water Pollution Control Act, Section 303(d).

AUTHORITY: *section 644.026, RSMo 2000. Original rule filed Nov. 5, 2003, effective July 30, 2004. Emergency amendment filed Oct. 16, 2006, effective Oct. 26, 2006, expired April 23, 2007. Amended: Filed Nov. 14, 2006, effective Aug. 30, 2007. Emergency amendment filed Sept. 15, 2008, effective Jan. 2, 2009, expires June 30, 2009. Amended: Filed Sept. 15, 2008.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Philip A. Schroeder, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to phil.schroeder@dnr.mo.gov. Public comments must be received by January 14, 2009. A public hearing is scheduled at a meeting of the Clean Water Commission to be held at 9:00 a.m., January 7, 2009, at the Department of Natural Resources' Lewis and Clark State Office Building, LaCharrette/Nightingale Creek Conference Rooms, 1101 Riverside Drive, Jefferson City, Missouri 65102.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—[Division of Medical Services]
MO HealthNet Division
Chapter 20—Pharmacy Program

PROPOSED AMENDMENT

13 CSR 70-20.320 Pharmacy Reimbursement Allowance. The division is amending sections (1) and (2).

PURPOSE: *This amendment changes the name of Missouri's medical assistance program to MO HealthNet, revises the name of the administering agency to MO HealthNet Division, changes program recipients to participants, corrects statutory references, and updates the tax rate methodology and maximum percentage.*

(1) Pharmacy Reimbursement Allowance (PRA). PRA shall be assessed as described in this section.

(A) Definitions.

1. Department—Department of Social Services.
2. Director—Director of Department of Social Services.
3. Division—[Division of Medical Services] **MO HealthNet Division.**

4. [Monthly g]Gross retail prescription receipts—For ease of administration for the department as well as the industry, this shall be an annual amount. The basis of tax in any fiscal year will be the gross prescription sales of the last calendar year prior to the previous fiscal year.

(B) Each pharmacy engaging in the business of providing outpatient prescription drugs in Missouri to the general public shall pay a PRA.

1. The PRA owed for existing pharmacies shall be calculated by multiplying the pharmacy's total gross retail prescription receipts by the tax rate determined by the department. Subject to the limitations established in section ~~1538.520~~ **338.520**, RSMo, *[the range of]* such said tax rate shall be *[uniformly distributed in bands determined by a ratio of total Medicaid prescriptions divided by total sales]* **uniform** and shall not exceed *[six percent (6%)]* **five percent (5%)**.

2. The PRA shall be divided by and collected over the number of months for which the PRA is effective.

3. The initial PRA owed by a newly licensed pharmacy shall be calculated by estimating the total prescription sales and multiplying the estimate by the rate determined by the department, **as described in paragraph (1)(B)1.**

4. If a pharmacy ceases to provide outpatient prescription drugs to the general public, the pharmacy is not required to pay the PRA during the time it did not provide outpatient prescription drugs.

5. If the pharmacy reopens, it shall resume paying the PRA. It shall owe the same PRA as it did prior to closing, if the PRA has not changed per paragraph (1)(B)1.

(C) Each pharmacy shall submit an affidavit to the department with the following information:

1. Pharmacy name;
2. Contact;
3. Telephone number;
4. Address;
5. Federal tax ID number;
6. [Medicaid] **MO HealthNet** pharmacy number (if applicable);
7. Pharmacy sales (total);
8. [Medicaid] **MO HealthNet** pharmacy sales;
9. Number of paid [Medicaid] **MO HealthNet** prescriptions; and
10. Gross receipts attributable to prescription drugs that are delivered directly to the patient via common carrier, by mail, or a courier service.

(2) Payment of the PRA.

(A) Offset.

1. Each pharmacy may request that its PRA offset against any *[Missouri Medicaid]* **MO HealthNet** payment due to that pharmacy.

A. A statement authorizing the offset must be on file with the division before any offset may be made relative to the PRA by the pharmacy.

B. Assessments shall be allocated and deducted over the applicable service period.

C. Any balance due after the offset shall be remitted to the *[D]*director of the Department of Revenue and be deposited in the state treasury to the credit of the Pharmacy Reimbursement Allowance Fund.

D. If the remittance is not received before the next *[Medicaid]* **MO HealthNet** payment cycle, the division shall offset the balance due from that check.

(C) Failure to comply with this request for information or failure to pay the PRA.

1. If a pharmacy fails to comply with a request for information from the *[Division of Medical Services]* **MO HealthNet Division** or fails to pay its PRA within thirty (30) days of notice, the PRA shall be delinquent.

2. For any delinquent PRA, the department may:

A. Proceed to enforce the state's lien of the property of the pharmacy;

B. Cancel or refuse to issue, extend, or reinstate the *[Medicaid]* **MO HealthNet** provider agreement; or

C. Seek denial, suspension, or revocation of license granted under Chapter 338, RSMo.

3. The new owner, as a result of a change in ownership, shall have his/her PRA paid by the same method the previous owner elected.

(D) Each pharmacy, upon receiving written notice of the final determination of its PRA, may file a protest with the director of the department setting forth the grounds on which the protest is based, within thirty (30) days from the date of receipt of written notice from the department. The director of the department shall reconsider the determination and, if the pharmacy so requested, grant the pharmacy a hearing to be held within forty-five (45) days after the protest was filed, unless extended by agreement between the pharmacy and the director. The director shall issue a final decision within forty-five (45) days of the completion of the hearing. After a final decision by the director, a pharmacy's appeal of the director's final decision shall be to the Administrative Hearing Commission in accordance with section/s/ 208.156, RSMo 2000 and **section 621.055, RSMo Supp. [2001] 2007.**

(E) PRA Rates.

1. The PRA tax *[rates]* **rate** will be *[done in bands and will be determined by the ratio of paid Medicaid claims to total prescription sales]* **a uniform effective rate of eighty-nine hundredths percent (.89%) with an aggregate annual adjustment, by the MO HealthNet Division, not to exceed five hundredths percent (.05%) based on the pharmacy's total prescription volume.**

2. The maximum rate shall be *[six percent (6%)]* **five percent (5%).**

[3. Adjustments will be made to the tax rate if the average Medicaid prescription charge for an individual entity is statistically different than that of the other entities in the assigned tax band.]

AUTHORITY: sections 208.201[, RSMo 2000] and 338.505, RSMo Supp. [2003] **2007.** Emergency rule filed June 20, 2002, effective July 1, 2002, expired Feb. 27, 2003. Original rule filed July 15, 2002, effective Feb. 28, 2003. Amended: Filed Feb. 3, 2003, effective Aug. 30, 2003. Amended: Filed Nov. 3, 2003, effective April 30, 2004. Emergency amendment filed Sept. 12, 2008, effective Sept. 22, 2008, expires March 20, 2009. Amended: Filed Sept. 12, 2008.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will cost private entities \$42 million annually.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Department of Social Services
Division Title: MO HealthNet Division
Chapter Title: Pharmacy Program

Rule Number and Title:	13 CSR 70-20.320 Pharmacy Reimbursement Allowance
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,200	Retail Pharmacies	\$42 million annually

III. WORKSHEET

IV. ASSUMPTIONS

The tax is based on gross retail prescription receipts reported via an affidavit by the pharmacies. Total gross retail prescription receipts for calendar year 2007 were approximately \$4.7 billion. The tax rate for the year is estimated at .8926%, therefore, the fiscal impact is estimated at \$42 million annually over the life of the rule.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 10—Voting Machines (Electronic)**

PROPOSED AMENDMENT

15 CSR 30-10.110 Manual Recount. The secretary is amending sections (2) and (3), adding new sections (4) and (7), and renumbering remaining sections accordingly.

PURPOSE: This amendment enhances the method for the election authority, the secretary of state, and the general public to compare electronically tabulated vote results with manual recounts of selected races and ballot issues in certain election precincts by increasing the number of election precincts that are selected for these manual recounts and changing the races and ballot issues that are selected.

(2) [After the electronic recount provided for in 15 CSR 30-10.060(2)(G) and p]Prior to the certification of the election results, the accuracy certification team shall randomly select not less than [one (1) precinct for every one hundred (100) election precincts or fraction thereof] five percent (5%) of all election precincts through the use of a random drawing, but not less than one (1) precinct, in order to conduct a manual recount of selected contested races and ballot issues in the selected precinct(s). Random selection of the precincts shall be open to any member of the public, and the election authority shall notify the public of the time and place of the selection process no later than forty-eight (48) hours prior to the beginning of the selection process by posting a notice in a prominent place, which is easily accessible to the public and clearly designated for that purpose, at the principal office of the election authority.

(3) Recount of the randomly selected precinct(s) shall be conducted in the following manner:

(C) One (1) contested race or ballot issue to be manually recounted shall be randomly selected from each of the following categories, where applicable:

1. Presidential and Vice-Presidential electors, United States senate candidates and state-wide candidates;
2. State-wide ballot issues;
3. United States representative candidates and state general assembly candidates;
4. Partisan circuit and associate circuit judge candidates and all nonpartisan judicial retention candidates; [and]

5. In addition to the candidates and issues previously listed, the manual recount team shall select not less than [three (3)] one (1) contested race/s/ or ballot issue/s/ from all political subdivisions and special districts, including the county, in the selected precinct(s)/. When there are three (3) or fewer contested races or ballot issues within this category at a selected precinct, all shall be counted.; and

6. In addition to the candidates and issues previously listed, the manual recount team shall select all races in which the margin of victory between the two (2) top candidates is equal to or less than one-half of one percent (0.5%) of the number of votes cast for the office or issue.

(4) If the results of the manual recount of the selected races and ballot issues differ by more than one-half of one percent (0.5%) from the results of the electronically tabulated vote results, the manual recount team shall immediately notify the election authority, who shall investigate the causes of any discrepancy and resolve any discrepancies prior to the date of certification set forth in section 115.507, RSMo.

[(4)](5) The secretary of state, at his/her sole discretion, and upon the showing of good cause by an election authority not less than three

(3) weeks prior to the date of an election, may waive the manual recount requirement for any political subdivision or special district holding an election on the election date.

[(5)](6) Upon completion of the manual recount, the manual recount team shall reseal the ballots and other support materials in the appropriate containers. The results of the manual recount shall be reported on certificates provided by the secretary of state. One (1) copy shall be filed with the secretary of state within four (4) weeks of the election date and one (1) copy shall be filed with the public records of the election.

(7) The secretary of state may make grant funds available to reimburse election authorities for the cost of conducting manual recounts under section (2) and paragraph (3)(C)6. of this rule.

AUTHORITY: section 115.225.1., RSMo [1986] Supp. 2007. Original rule filed Jan. 3, 1990, effective March 26, 1990. Emergency amendment filed Sept. 15, 2008, effective Sept. 25, 2008, expires March 23, 2009. Amended: Filed Sept. 15, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions eighteen thousand eighty dollars (\$18,080) statewide per municipal, primary, or general election.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, Elections Division, Michael Bushmann, Deputy Secretary for Elections, PO Box 1767, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Title 15-Elected Officials**
Division Title: Division 30-Secretary of State
Chapter Title: Chapter 10-Voting Machines (Electronic)

Rule Number and Name:	15 CSR 30-10.110 Manual Recount
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
41 Local Election Authorities	\$18,080 statewide per municipal, primary or general election

III. WORKSHEET

Jurisdictions affected by amendment	Total no. precincts	Current Rule: # precincts audited	Proposed Amendment: # precincts audited	Estimated cost per precinct	Estimated additional cost per election
Boone	90	1	5	\$160	\$640
Buchanan	35	1	2	160	160
Butler	25	1	2	160	160
Callaway	27	1	2	160	160
Camden	24	1	2	160	160
Cape Gir.	35	1	2	160	160
Cass	48	1	3	160	320
Christian	25	1	2	160	160
Clay	75	1	4	160	480
Cole	38	1	2	160	160
Douglas	25	1	2	160	160
Dunklin	22	1	2	160	160
Franklin	53	1	3	160	320
Greene	83	1	5	160	640
Howell	21	1	2	160	160
Jackson	294	3	15	160	1920
Jasper	50	1	3	160	320
Jefferson	108	2	6	160	640
Johnson	21	1	2	160	160
Kansas City	186	2	10	160	1280

Laclede	21	1	2	160	160
Lawrence	21	1	2	160	160
Lincoln	24	1	2	160	160
Miller	21	1	2	160	160
New Madrid	24	1	2	160	160
Newton	25	1	2	160	160
Pettis	26	1	2	160	160
Phelps	25	1	2	160	160
Platte	33	1	2	160	160
Polk	22	1	2	160	160
Scott	23	1	2	160	160
St. Charles	170	2	9	160	1120
St. Francois	28	1	2	160	160
St. Louis City	203	3	11	160	1280
St. Louis County	681	7	35	160	4480
Stoddard	21	1	2	160	160
Stone	22	1	2	160	160
Taney	24	1	2	160	160
Texas	22	1	2	160	160
Warren	24	1	2	160	160
Wayne	21	1	2	160	160
TOTAL COST PER ELECTION					\$18,080

IV. ASSUMPTIONS

The numbers of precincts that are currently audited and the number that would be audited if the rule is amended as proposed were calculated using the formulas in the current rule and the proposed amendment.

The estimated fiscal cost of the proposed amendment for each precinct audited was determined by surveying a sample of local elections authorities (LEAs) from both large and small jurisdictions. Those sample LEAs provided information on the costs to comply with the current manual recount rule, including the number of people necessary, hourly wage, and time required to perform the audit. The results of the survey indicate that the total cost of complying with the current rule range from \$80-\$160 per precinct. To insure that the impact of the proposed amendment is not underestimated, the fiscal cost of the amendment has been based on the higher number.

In order to determine the total cost of the proposed amendment per jurisdiction, the estimated cost of a manual recount for one precinct was multiplied by the number of additional precincts that would be required to be recounted under the proposed amendment.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.120 Benefits Upon Participant's Death. The board is adding a new section (6).

PURPOSE: This amendment adds a new section to amend the death benefit to reflect compliance with federal law.

(6) In the case of a participant who dies while performing qualified military service (as defined in section 414(u) of the Code), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and then terminated employment on account of death. The foregoing shall be effective with respect to deaths occurring on or after January 1, 2007. Notwithstanding anything herein to the contrary, the plan shall be administered to comply with the Heroes Earnings Assistance and Tax Relief Act of 2008, to the extent required therein.

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Nov. 10, 2005, effective May 30, 2006. Amended: Filed Sept. 5, 2007, effective March 30, 2008. Amended: Filed Sept. 8, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED AMENDMENT

16 CSR 50-10.050 Distribution of Accounts. The board is amending subsection (2)(A).

PURPOSE: This amendment provides that the amount available for a hardship distribution will be limited to the lesser of the amount sufficient to meet the need and the vested amounts in a participant's account.

(2) Distribution Due to Hardship. A Participant may request a distribution due to Hardship by submitting a request to the Board (or its designee) in such form as may be permitted by the Board (or its designee). The Board (or its designee) shall have the authority to require such evidence as it deems necessary to determine if a distribution is warranted. If an application for a distribution due to a Hardship is approved, the distribution is limited to the lesser of—

(A) An amount sufficient to meet the need[, less the value of the Participant's account in the 457 Plan]; or

AUTHORITY: section[s] 50.1250, RSMo Supp. [2006] 2007 and section 50.1260, RSMo 2000. Original rule filed May 9, 2000, effective Jan. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 8, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement
Practices

PROPOSED RULE

20 CSR 100-1.060 Standards for Prompt, Fair, and Equitable Settlements under Health Benefit Plans

PURPOSE: This rule effectuates or aids in the interpretation of section 375.1007, RSMo 2000, and sections 376.383 and 376.384, RSMo Supp. 2007.

(1) Scope. This rule applies to all claims submitted by a claimant to a health carrier or its third-party contractor after September 1, 2009, and that health benefit plan is either a fully-insured group health benefit plan where the provider submits claims as a participating provider or is an individual health benefit plan.

(2) Definitions. As used in sections 376.383 and 376.384, RSMo, and in the regulations promulgated pursuant thereto—

(A) "Acknowledgment of the date of receipt" shall mean a written notice, whether made in electronic or nonelectronic format, to the claimant by the health carrier or its third-party contractor that it received a claim and setting forth the date on which the claim was received;

(B) "Claim" shall mean a written request or demand by a claimant for the payment of health care services provided, whether made in an electronic or nonelectronic format;

(C) "Confirmation of receipt" shall mean a written notice, made in electronic or nonelectronic format, to the health care provider by the health carrier or its third-party contractor that it received an electronically-filed claim. A confirmation of receipt may also constitute an acknowledgement of the date of receipt if it meets the requirements of subsection (A) of this section;

(D) "Date of claim payment" shall mean the date the health carrier or its third-party contractor mails or sends the payment as indicated by the date of—

1. The postmark, if a claim payment is delivered by the U.S. Postal Service;

2. The electronic transmission, if the payment is made electronically;

3. The delivery of the claim payment by a courier; or

4. The receipt by the claimant, if the claim payment is made other than as provided in paragraphs (2)(D)1. through (2)(D)3.,

above;

(E) "Date of denial" shall mean the date when the health carrier or its third-party contractor mails or electronically sends a denial;

(F) "Date of receipt" shall mean the date upon which the health carrier or its third-party contractor first receives a claim or other information relevant and pertinent to the claim, indicated by the date of—

1. The postmark, if a claim payment is delivered by the U.S. Postal Service;

2. The electronic transmission, if the payment is made electronically; or

3. The date stamped by the health carrier or its third-party contractor, if the claim is delivered in a manner other than those described above;

(G) "Deny" or "denial" shall mean the health carrier or its third-party contractor mails or sends an electronic or written notice to the claimant refusing to reimburse all or part of the claim, which includes each reason for the denial;

(H) "Health benefit plan" shall mean health benefit plan as defined in section 376.1350, RSMo;

(I) "Notification of claim" shall mean any notification to a carrier or its third-party contractor, by a claimant, which reasonably apprises the health carrier of the facts pertinent to a claim;

(J) "Pay" or "payment" shall mean the health carrier or its third-party contractor mails or sends electronic or written notice including remuneration to the claimant that reimburses all or part of the claim;

(K) "Processing days" shall mean the number of days the health carrier or its third-party contractor has the claim in its possession. Processing days shall not include days in which the health carrier is waiting for a response to a reasonable request for additional necessary information;

(L) "Reason for denial" shall mean a contract provision or provisions upon which a health carrier is basing its denial of a claim or any portion of a claim;

(M) "Request for additional information" shall mean when the health carrier or its third-party contractor requests, in writing, whether made in electronic or nonelectronic format, additional necessary information from the claimant to determine if all or part of the claim will be reimbursed. Such a request must meet the following requirements:

1. It shall be specific to the claim or the claim's related episode of care;

2. It shall describe with specificity the clinical and other information to be included in the response;

3. It shall be relevant and necessary for the resolution of the claim; and

4. It shall be for information that is contained in or in the process of being incorporated into the patient's medical or billing record maintained by the health care provider;

(N) "Suspends the claim" shall mean when a health carrier or its third-party contractor mails or electronically sends a written notice to the claimant specifying the reason the claim is not yet paid or denied, including, but not limited to, grounds as listed in the contract between the claimant and the health carrier;

(O) "Suspension date" shall mean the date the health carrier or its third-party contractor mails or sends electronic written notice that the claim is suspended;

(P) "Third-party contractor" shall mean an entity or person directly or indirectly contracted with the health carrier to receive or process claims for reimbursement of health care services; and

(Q) "Working days" shall mean the number of consecutive days not counting weekends or federal holidays.

(3) Communications Between Entities Subject to This Rule.

(A) An entity subject to this rule may deliver written communication as follows:

1. By U.S. mail, first-class delivery; by U.S. mail, return receipt requested; or by overnight mail, and maintain a copy of the

receipt or signature card acknowledging receipt of delivery;

2. Electronically and maintain proof of the electronically submitted communication;

3. If the entity accepts facsimile transmissions for the type of communication being sent, then fax the communication and maintain proof of the facsimile transmission; or

4. Hand delivery of the communication and maintain a copy of the signed receipt acknowledging the hand delivery.

(B) Communication is presumed to be received as follows:

1. On the date shown by a date stamp showing the actual date received, if the sender used U.S. mail, first-class delivery;

2. On the date the delivery receipt is signed, if the sender used an overnight delivery service or the U.S. mail, return receipt requested, or if the sender hand delivered the communication; or

3. If the communication was received electronically, an electronic verification or confirmation of receipt must be issued to the sender within twenty-four (24) hours of the receipt of the communication.

(4) Standards for Prompt, Fair, and Equitable Settlements under Health Benefit Plans.

(A) Every health carrier or third-party contractor, upon receiving notification of a claim from a claimant, shall, within ten (10) working days—

1. Pay the total amount of the claim in accordance with the contract between the health carrier and the health care provider or the health carrier and the insured or enrollee; or

2. Send an acknowledgement of the date of receipt and do one (1) or more of the following:

A. Send written notice of status of the claim, whether made in electronic or nonelectronic format, with request for specific additional pertinent claim information and from whom it is requested, such as the claimant, the patient, or another health care provider;

B. Pay the portion of the claim for which the health carrier acknowledges liability in accordance with the contract between the health carrier and the health care provider or the health carrier and the insured or enrollee, suspend the remainder of the claim, and request specific additional pertinent claim information;

C. Pay the portion of the claim for which the health carrier acknowledges liability in accordance with the contract between the health carrier and the health care provider or the health carrier and the insured or enrollee, and deny a portion of the claim and specify each reason for the denial; or

D. Deny the claim in its entirety and specify each reason for such denial.

(B) If notice of the claim was received as an electronically filed claim, the health carrier shall issue confirmation of receipt of the claim within one (1) working day of its receipt to the claimant that submitted the claim electronically.

(C) If additional information is requested, an appropriate reply shall be made within fifteen (15) processing days of receiving any additional claim information from whom the information was requested. An appropriate reply shall mean payment of all or the undisputed portion of claim, denial of the claim, suspension of the claim, or final request for additional pertinent and relevant information.

(D) All denials, suspensions, or requests for additional information shall be communicated in writing to the claimant and shall include specific reasons why the action was taken or why the information is needed.

(5) Health carriers must conduct a reasonable investigation before denying or suspending a claim in whole or in part. Health carriers shall not suspend or deny claims for the lack of information until it has requested the pertinent additional information on two (2) separate occasions.

(A) Claims.

1. If a claim or portion of a claim remains unpaid after forty-five

(45) days after notification of the claim, interest shall accrue beginning on the forty-sixth day after the date of receipt of the claim at a rate equal to one percent (1%) per month of the unpaid balance of the claim until the claim is paid. The interest shall be payable by the health carrier to the health care provider, individual insured, or other entity submitting the claim. If the health carrier denies or suspends a claim that is subsequently determined to be the liability of the health carrier, the health carrier will be responsible for the interest from the forty-sixth day of the original date of notification of the claim until the claim is actually paid.

2. Any improperly denied claims that are subsequently determined to be payable shall have interest calculated from the forty-sixth day after the date of receipt of the claim.

3. The health carrier may wait until the claimant's aggregate interest payments reach five dollars (\$5) before making interest payment to the claimant.

(B) Duties of the Health Carrier.

1. When a health carrier pays or denies a claim, it shall explain in sufficient detail how each item or service was reimbursed. Specifically, if the health carrier has a contract rate with the health care provider, the health carrier shall indicate which items or services are included in the reimbursement and which items are not included in the reimbursement.

2. Pursuant to the requirements of 20 CSR 100-8.040, health carriers shall maintain and legibly date stamp all documentary material related to the pertinent events of a claim. Pertinent events shall include, but not be limited to, the date of the notification of claim, date of payment, date of denial, date of suspension, reason for denial or suspension, amount paid, amount denied, amount suspended, date additional information is requested, the nature of the specific additional information requested, and the date such additional information was received.

3. After notification of a claim, if any information on the claim that affects the amount of benefits payable is changed or omitted in the processing of the claim, including any electronic edits, the health carrier or its third-party contractor shall notify the claimant of the modification in writing with specificity.

4. Any contractual agreement between the health carrier and any of its third-party contractors that receives or processes claims, obtains the service of a health care provider to provide health care services, or issues verifications or pre-authorizations may not be construed to limit the health carrier's authority or responsibility to comply with all applicable statutory and regulatory requirements of this rule or of sections 376.383 and 376.384, RSMo.

5. Contracts between health care providers, health carriers, and their respective third-party contractors shall not extend the statutory or regulatory time frames set forth in this rule or in sections 376.383 and 376.384, RSMo.

(C) Complaints Against Health Carriers. Every complaint made by a health care provider to the director shall include: the health care provider's name, address, and daytime phone number; the health carrier's name; the date of service and date the claim was filed with the health carrier; all relevant correspondence between the health care provider and the health carrier, including requests from the health carrier for additional information; a copy of the confirmation of receipt or acknowledgment of the date of receipt of the claim from the health carrier or its third-party contractor, if available; and additional information which the health care provider believes would be of assistance in the department's review.

AUTHORITY: sections 375.045 and 376.1007, RSMo 2000 and sections 376.383 and 376.384, RSMo Supp. 2007. Original rule filed Sept. 5, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on November 18, 2008. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on November 25, 2008. Written statements shall be sent to Tamara Kopp, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement
Practices**

PROPOSED RULE

20 CSR 100-1.070 Identification Cards Issued by Health Carriers

PURPOSE: This rule sets forth the requirements for an identification card issued to insureds or enrollees by health carriers offering health benefit plans.

(1) **Applicability.** This rule applies to all health carriers offering or providing a plan of health insurance, health benefits, or health services to individuals and groups, or administering health benefit plans on behalf of self-insured employer groups.

(2) **Definitions.** As used in this section—

(A) "Health benefit plan" shall mean health benefit plan as defined in section 376.1350(18), RSMo; and

(B) "Health carrier" shall mean health carrier as defined in section 376.1350(22), RSMo.

(3) **Identification Cards.**

(A) An identification card or similar document issued to insureds or enrollees shall include the following information:

1. The name of the enrollee or insured;

2. The first date on which the enrollee or insured became eligible for benefits under the plan or a toll-free number that a health care provider may use to obtain such information; and

3. Indicate that the health benefit plan offered by the health carrier is regulated by the Department of Insurance, Financial Institutions and Professional Regulation by placing "DOI" on the front.

(B) Nothing shall prohibit the issuer of a health benefit plan from using an identification card containing a magnetic strip or other technological component enabling the electronic transmission of information, provided that the information required in this section is printed on the card.

(C) The requirements of this section shall apply to all health benefit plans issued or renewed twelve (12) months after this rule becomes effective.

AUTHORITY: sections 375.045 and 376.1007, RSMo 2000 and sections 376.383 and 376.384, RSMo Supp. 2007. Original rule filed Sept. 5, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately \$76,800,000 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on November 18, 2008. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on November 25, 2008. Written statements shall be sent to Tamara Kopp, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	20 CSR 100-1.070 Identification Cards Issued by Health Carriers.
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
384	Licensed group health insurance companies	\$76,800,000.00

III. WORKSHEET

\$200,000 per company
x 384 companies with A&H Authority

\$76,800,000 in the aggregate.

IV. ASSUMPTIONS

The cost to private entities of complying with this regulation will vary according to the business practice, volume of business and methods of compliance by each licensee. The cost of compliance includes printing the pre-existing forms with the added information required by the Proposed Rule. DIFP staff presented the proposed rule to and sought input from the Insurance Advisory Panel on February 28, 2008. DIFP staff also presented the proposed rule to and sought input from Coventry/GHP, United Healthcare, Time Insurance Company, and the Missouri Hospital Association. The estimated cost per company was derived from information received from a large, national carrier. Smaller carriers will likely have lower costs. The cost to make the change in the documentation to indicate under what type of plan the individual is insured is a one-time cost. Once the change has been made in the health carriers' systems to make such a disclosure in the documentation, there will no longer be an added cost, in that health carriers already send out insurance cards.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 600—Statistical Reporting
Chapter 1—Reports Other Than Annual Statement and
Credit Insurance**

PROPOSED RULE

20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting

PURPOSE: This rule establishes reporting requirements for medical professional liability insurers pursuant to sections 383.105–383.124, RSMo Supp. 2007.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions. When used in this regulation—

(A) “Annual premium, loss, and exposure data” means annual aggregate data that insurers are required to report under section 383.106.1, RSMo;

(B) “Base rate” means the cost of insurance per exposure unit prior to any application of individual risk variations based on loss or expense considerations;

(C) “Base rate data” means the premium and rate information that insurers are required to report pursuant to section 383.106.2, RSMo;

(D) “Claim” means a formal written demand for payment of damages, a lien letter from legal counsel, or a filed lawsuit. In addition, any incident for which a payment has been made shall be considered a claim. Knowledge of a medical misadventure by an insured for which no demand for payment has been made does not constitute a claim;

(E) “Health care provider” means health care provider as defined in section 383.100.2, RSMo;

(F) “Insurer” means insurer as defined in section 383.105.3, RSMo, and includes all providers of medical malpractice coverage to any health care provider for claims arising from the practice of medicine in the state of Missouri;

(G) “Market rate” means the rates for medical malpractice risks calculated and published by the department pursuant to section 383.107, RSMo;

(H) “Medical malpractice insurance” means medical malpractice insurance as defined in section 383.100.3, RSMo; and

(I) “Quarterly claims data” means open and closed claims data required to be filed with the director pursuant to section 383.105, RSMo.

(2) Quarterly Claims Data.

(A) All insurers shall electronically file quarterly claims data in a manner and form prescribed by the director.

(B) Each claim shall be filed with the director once when opened, and once when closed.

(C) Claims must be filed with the director not later than the last day of the month following the end of the quarter the claim was opened or closed, as follows:

Claims Opened or Closed	Filing Date
First quarter	April 30
Second quarter	August 31
Third quarter	November 30
Fourth quarter	January 31

(D) Any insurer subject to this regulation that has not opened or closed claims during a reporting period shall file with the director, in lieu of quarterly claims data, an affidavit, signed by a company officer, attesting that no claims were opened or closed by the company.

(E) The Quarterly Data Reporting Codebook, (Form MM5), is published by the department, and the codes shall be used when filing claims with the department as required by this section.

(F) Data collected pursuant to sections 383.105.2(1), 383.105.2(3), and 383.105.2(6), RSMo, consisting of individually identifying information about the claimant and insured, shall be considered by the department to be confidential communications as provided in section 383.115.1, RSMo. The department shall interpret this section as conferring confidential status on all information collected pursuant to section 383.105, RSMo, which may be used with a reasonable probability of success, either directly or indirectly in conjunction with other publicly available information, to infer identities of such individuals or entities.

(G) Data collected pursuant to section 383.105, RSMo, that has been anonymized in a way consistent with the procedures set forth in this rule may be made available to any interested party upon request.

(3) Risk Reporting Categories to be Used by Insurers.

(A) The director shall establish appropriate categories and risk classifications for the reporting of data under this section. These categories and risk classifications shall consist of units of exposures; type of coverage or policy, subline, consisting of major segments customarily used for rate making; policy limits; Missouri territory codes, not to exceed seven (7) territories; medical specialty class, not to exceed fifty (50) such classes for individuals; medical facility class; surgical class; claims-made year; deductible amounts; and claim history.

(B) Risk Reporting Categories (Form MM6) is published by the department and the categories shall be used when completing Forms MM1, MM2, MM3, and MM4.

(4) Annual Premium, Exposure, and Loss Data.

(A) Data collected pursuant to section 383.106.1, RSMo, shall be reported in the aggregate for each of the specified risk reporting categories and shall consist of written and earned premium; written and earned exposures; paid and incurred losses; paid and incurred loss adjustment expenses; basic limits paid and incurred losses; assessments levied in excess of premium collected; loss and expense reserves, including cases basis reserves, total reserves, and basic limits of reserves; the number of open claims, closed claims, open occurrences, and closed occurrences; the number of cancellations and nonrenewals; and the number of policies renewed and new policies issued.

(B) Beginning March 31, 2010, and annually thereafter, each insurer shall file with the director an Annual Premium and Exposure summary report (Form MM1).

(C) Beginning March 31, 2010, and annually thereafter, each insurer shall file with the director an Annual Loss and Allocated Loss Adjustment Expense (ALAE) summary report (Form MM2).

(D) Beginning March 31, 2010, and annually thereafter, each insurer shall file with the director an Annual Written Policies summary report (Form MM3) relating to the prior calendar year.

(E) Data collected pursuant to section 383.106, RSMo, shall be deemed by the department to be a trade secret as defined by section 417.453(4), RSMo, inasmuch as such data possess economic value by virtue of its confidential status; the same or like information is unavailable through other sources; and insurers have made reasonable efforts to maintain the confidentiality of the data. As such, all data submitted pursuant to section 383.106, RSMo, shall be considered confidential communications and immune from requests made under Chapter 610, RSMo, nor shall such data otherwise be made available to the public or unauthorized individuals except in the manner and form prescribed by this rule.

(5) Market Rate Data. By December 31, 2009, and annually thereafter by September 30 of each year, the director shall publish a median market rate in accordance with section 383.107, RSMo, which will be derived from information collected pursuant to section 383.106, RSMo. To the extent that the median market rate cannot be determined from the data available, the average market rate shall be used.

(6) Base Rate Data.

(A) Upon any change of base rates or rating factors impacting Form MM4 after the effective date of this rule, and before use of the changed base rates, insurers shall file a Base Rate Data report (Form MM4) with the director.

(B) Base rate data shall be considered public information pursuant to section 383.108, RSMo.

(C) Surplus lines insurers transacting insurance pursuant to Chapter 384, RSMo, are not required to submit Form MM4.

(7) Notwithstanding anything else in this rule, the director or a department representative may waive or extend any requirement of this rule including, but not limited to, filing dates applicable to specific reports or filings, requirements to complete a data field or fields on any report or filings, or other information required to be reported pursuant to this rule.

(8) Forms, Codes, and Risk Reporting Categories. The following forms, codebook, and risk reporting categories have been adopted and approved for filing with the director in accordance with this rule and are incorporated by reference. The forms, codebook and risk reporting categories are published by the Missouri Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102. The forms, codebook, and risk reporting categories do not include any amendments or additions. The forms, codebook, and risk reporting categories are available at the department's office in Jefferson City, Missouri, on the department website, www.insurance.mo.gov/industry/forms/index.htm, or by mailing a written request to the Missouri Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

(A) Annual Premium and Exposure (Form MM1), or any form which substantially comports with the specified form (revised 8/28/08).

(B) Annual Loss and ALAE (Form MM2), or any form which substantially comports with the specified form (revised 8/28/08).

(C) Annual Written Exposure (Form MM3), or any form which substantially comports with the specified form (revised 8/28/08).

(D) Base Rate Data (Form MM4), or any form which substantially comports with the specified form (revised 9/3/08).

(E) Quarterly Data Reporting Codebook (Form MM5) (revised 7/9/08).

(F) Risk Reporting Categories (Form MM6) (revised 8/28/08).

(9) The department will maintain data confidentiality to the extent required by state and federal laws and regulations. Data collected pursuant to sections 383.105 and 383.106, RSMo, will be made available to the public only to the extent that such data comports with sections (10) and (11) of this rule.

(10) Confidentiality of Quarterly Claims Data Collected Pursuant to Section 383.105, RSMo.

(A) Medical malpractice data may be released on a unit level basis consisting of individual claims records in a form consistent with statute as prescribed below. In general, all data elements that reveal any parties involved, either directly or indirectly, in a malpractice action shall be removed prior to making any such data public. Any references to a county or smaller geographic unit shall be suppressed, though county-level data may be released in aggregate form. Dates shall be no more precise than the year associated with a date.

(B) No records that include any indemnity payments or expense amounts that identify a particular medical specialty may be released on an individual record basis unless there are a minimum of four (4) additional claims during an annual period against practitioners of the same medical specialty for each identifiable unit of geography. However, medical specialties may be combined and identified by a new specialty code to attain the minimum five (5) records.

(C) The following data elements correspond to data fields of the same name in Form MM5, and shall be considered confidential communications, and immune from requests made pursuant to Chapter 610, RSMo:

1. Claim number;

2. Original claim number;

3. Claim numbers of any companion claims;

4. License number, name, city, zip code, Social Security number, telephone number, or any other information that personally identifies the insured, defendant, or any other party in the malpractice action, either directly or indirectly;

5. Name of the institution where the incident occurred, or any other information that may be used to identify such entity; and

6. Name of the presiding court, docket number, or district court code, or any other information that may be used to identify the court in which a malpractice suit has been filed.

(D) All dates shall be anonymized prior to public release. Specific dates shall not be released in any form more precise than the year corresponding to the date. Such dates include, but are not limited to, the date of injury, the date a claim was reported to an insurer, the date a claim is reopened, and the date of closure or payment. However, information derived from such dates may be released to the public, such as the time elapsed between the date a claim was reported and the date it was closed.

(E) Data that identify an insurer shall be anonymized prior to the public release of individual claim records. The name and any identifying codes of an insurer shall not be made public. However, public data may include insurer category, such as whether the insurer was a licensed insurer, a self-insured entity, risk retention group, or surplus lines company.

(F) Data that identify an insurer may be released to the public in aggregate form. Such data may include the total number of closed and paid claims, the number of reported and pending claims, the amounts paid on those claims, the year a claim was opened or closed, and broad practitioner classes consisting of those defined on Form MM5, such as physicians and surgeons, hospitals, clinics, nurses, and dentists.

(G) Information limited to the following data elements shall be deemed to be in compliance with this rule and suitable for public release:

Data Fields that May be Released to the Public as Part of Claims Records Submitted Pursuant to 383.105, RSMo.	
Data Field	Description
Profession code	Broad practitioner class: physician or surgeon, hospital, nurse, nursing home, dentist, pharmacy, optometrist, chiropractor, podiatrist/chiroprapist, clinic/corporation/other
Specialty code	Five-digit ISO medical risk class code
Type of practice code	Self-employed, employed physician, etc.
Place of injury	Inpatient, ER, nursing home, etc.
Gender of injured person	
Number of total defendants	Total number of defendants involved in the malpractice action
Injury severity code	Nine point injury severity scale
Claim disposition code	Settled prior to or during court proceeding, or disposed by court
Settlement code	Detailed court disposition code, including before trial, after trial prior to judgment, after judgment, during appeal, after appeal, etc.
Verdict code	Code describing the verdict (direct for plaintiff, etc.)
Allegation category	National practitioner allegation category code (surgery, obstetric, diagnostic, etc.)
Allegation code	National Practitioner Databank code describing the allegation of malpractice
Age category of injured party	Less than 1 year, 1-5, 6-10, 11-15, 16-20, 21-35, 36-50, 51-65, 66-75, over 75
Age category of insured (if individual)	As above
Year claim was reported	
Year claim was reopened, if applicable	
Year claim was closed	
Year suit was filed, if applicable	
Year injury occurred	
Insurer type	Licensed insurer, risk retention group, surplus lines company, or self-insured entity
Indemnity paid	Amount paid on claim
Economic indemnity	The portion of total indemnity consisting of compensation for economic damages
Non-economic indemnity	The portion of total indemnity consisting of compensation for non-economic damages
Punitive damages	Amount, if any, associated with punitive damages
Other indemnity paid	Total amount paid on behalf of all defendants named in the malpractice action
Indemnity paid by all parties	Amounts that include amounts paid by all parties, if available
Defense expense	Loss adjustment expense paid to defense counsel

Data Fields that May be Released to the Public as Part of Claims Records Submitted Pursuant to 383.105, RSMo.	
Data Field	Description
Other expense	Other loss adjustment expense
Incurred medical expense	Amount of medical expense attributable to the malpractice incident
Future medical expense	Estimate of future medical expenses
Incurred wage loss	Amount of lost wages incurred by the injured party to date
Future wage loss	Estimate of future lost wages
Other expense	Any other expenses incurred by the injured party as a result of the medical incident
Periodic pay amount	Amount of any reserve, trust, or other instrument to provide for future periodic payments to the plaintiff
Anonymous codes	
Territory code	Code assigned for groupings of counties, not to exceed five (5)
Occurrence code	Random code assigned to each claim associated with a single incident

(11) Confidentiality of Aggregate Premium, Loss, Exposure, and Claims Data Collected Pursuant to 383.106, RSMo, and Aggregate Release of Data (Quarterly Claims Data) Collected Pursuant to 383.105, RSMo. To ensure that sensitive information such as individual identities cannot be inferred from information collected pursuant to section 383.106, RSMo, either directly or indirectly in combination with other public information, all data is considered proprietary, confidential, and a trade secret except to the extent that such data satisfies each of the following confidentiality standards. In addition, any data collected pursuant to 383.105, RSMo, that meets each of the following criteria, will be considered public information. Data aggregated in conformity to such criteria shall be deemed to satisfy 383.115.2, RSMo.

(A) The threshold rule: non-zero data cells or totals must include a minimum of five (5) observations.

(B) The p-percent rule: for cells consisting of meaningful mathematical values, such as premium, exposure, or loss amounts, the sum of all but the largest three (3) observations in a data cell or total must be greater than a specified percent (p) of the largest value, such that

$$\sum_{i=c+2}^N x_i \geq p \times x_1$$

Where:

- c is the second and third largest observations
- c+2 represents all observations but the largest three
- N is the total number of observations in a data cell
- p represents a percent less than 100

(C) The (n, k) rule: for cells consisting of meaningful mathematical values, such as premium, exposure, or loss amounts, no single observation can exceed a specified percent (k) of a data cell total.

(D) The value for each of the three (3) preceding criteria shall be calculated in accordance with the methods prescribed in the *Statistical Policy Working Paper 22 (Second version, 2005, Report on Statistical Disclosure Limitation Methodology)*, Federal Committee on Statistical Methodology, Office of Management and Budget.

(E) The value of the parameter p in the p-percent rule, and of k in the (n, k) rule shall be determined by the director. As prescribed in the *Statistical Policy Working Paper 22*, to lessen the likelihood that public medical malpractice data can be used to infer individual identities and other sensitive information, the value of these parameters shall be considered proprietary, confidential, and a trade secret.

(12) Internal Policies and Procedures.

(A) The director shall adopt reasonable policies and procedures to limit access to and ensure the confidentiality of data collected pursuant to sections 383.105 and 383.106, RSMo, and to ensure that any data made public conforms to all applicable statutes and regulations.

(B) Only department employees who have a reasonable business or job-related purpose for accessing such data may do so. Each employee having such access will be required to sign the following confidentiality statement, or one that is substantially similar.

Confidentiality Protocols

Each individual granted access to the raw or unit level medical malpractice data collected pursuant to sections 383.105 to 383.106, RSMo, must sign this confidentiality form, and initial each of its provisions.

Only employees who have a job-related purpose to access the data may access raw or unit level medical malpractice data collected pursuant to sections 383.105 and 383.106, RSMo. ____ (initial)

Access to all other employees is prohibited. ____ (initial)

Description of duties related to data (to be completed by employee's supervisor):

An individual who has signed this confidentiality agreement has no authority to grant unit level access to any other individual who has not been granted such access. ____ (initial)

All electronic copies of data must be password protected and otherwise secured against unauthorized access. This password must not be disclosed to others who have not been granted access to the data. ____ (initial)

Paper copies of data must be stored in a secure location (locked filing cabinets, etc.). ____ (initial)

Data collected pursuant to section 383.106, RSMo, may be released to the public only in the aggregate form prescribed by rule 20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting, and only pursuant to the director's written permission. ____ (initial)

Data collected pursuant to section 383.105, RSMo, may be released to the public in raw form only after it has been anonymized in a way prescribed by rule 20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting, and only pursuant to the director's written permission. ____ (initial)

The process by which data are prepared for public release should be documented. A copy of the Statistical Analysis Software (SAS) programs used to process the data and the resulting SAS logs shall constitute appropriate documentation. Documents shall be retained for a minimum period of five (5) years, as should a copy of the released data. ____ (initial)

Any breach of security or other disclosure must be reported immediately to your section supervisor or division director. ____ (initial)

If unit level or raw data is stored on your hard drive, the computer must be locked and password protected when it is left unattended. ____ (initial)

Any data removed from the premises in a laptop or other electronic media should be logged, and shall remain secure from unauthorized access. ____ (initial)

Authorization to access the data is automatically revoked when an individual in a position granted access leaves that position. ____ (initial)

Signature _____ Date _____

A signed copy of this form shall be placed in the employee's personnel file.

*AUTHORITY: sections 383.105 and 383.106, RSMo Supp. 2007.
Original rule filed Sept. 15, 2008.*

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand six hundred seventy-seven dollars and fifty cents (\$45,677.50) annually.

PRIVATE COST: This proposed rule will cost private entities in excess of five hundred dollars (\$500) annually. Initial compliance will cost insurers \$1,673,364 in the aggregate and four hundred fifty-three thousand seven hundred forty-one dollars (\$453,741) in the aggregate annually.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on November 18, 2008. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on November 25, 2008. Written statements shall be sent to Tamara W. Kopp, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

FISCAL NOTE
PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of compliance in the Aggregate
Department of Insurance, Financial Institutions and Professional Registration	\$45,677.50

III. WORKSHEET

INSURANCE DEDICATED FUND	FY 2008 (10 Mo.)	FY 2009	FY 2010
<u>Costs - Department of Insurance</u>			
Personal service costs (.5 FTE)	(\$24,724)	(\$30,433)	(\$31,933.50)
Fringe benefits	(\$10,901.50)	(\$13,408.50)	(\$13,744)
ESTIMATED NET EFFECT ON INSURANCE DEDICATED FUND	(\$35,625.50)	(\$43,841.50)	(\$45,677.50)

IV. ASSUMPTIONS

The proposed rule contains no sunset clause. Any costs imposed by the proposed rule, may, therefore, be shown only on an annual basis.

In 2006, the General Assembly passed and the Governor signed into law House Bill 1837. The Department of Insurance, Financial Institutions, and Professional Registration (DIFP) estimated for the General Assembly that the DIFP would require one full time Insurance Product Analyst II and a half-time actuary beginning in FY2007. Additionally, a one-time computer contracting of \$27,540 (\$90/hr x 306 hours) will be necessary to implement the provisions of the bill. Requirements identified include: 1) Receipt of data electronically from insurers: actual rates for defined categories; base rate information; and premium, loss, exposure and other information, 2) an database to store the rates and other information electronically, along with functionality to process the data as described in the bill language, 3) adding security to the database, 4) make the data collected per this

bill available to MO insurers through PDF files and on the DIFP website, and 5) various reporting requirements. The total estimated costs for the DIFP were \$96,010.

The original legislative public cost estimate, and prior rule filing, includes rate filing requirements which are not addressed in the proposed 20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting rule. Further, the computer programming duties will be absorbed by current staff with no anticipated fiscal impact.

FISCAL NOTE
PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate the cost of compliance with the rule by the affected entities:
85	Insurer Groups	Closed Claims Data Reporting \$131,580, Initially \$19,360, Annually
61	Insurers and Insurer Groups	Data Reporting other than Closed Claims \$1,541,784, Initially \$434,381, Annually

III. Closed Claims Data Reporting: Assumptions & Worksheet

Description of Additional Claims Reporting Requirements

20 CSR 600-1.030 does not create a new reporting requirement *de novo*. Rather, the proposed rule supplements existing reporting with 14 new variables or data fields. The rule further clarifies reporting standards, though the cost impact of such clarifications is not expected to be significant.

The new data fields are intended to capture information that should be readily at the disposal of carriers. Most of these pertain to features of the policy under which a claim is made, such as the amount of policy limits and type of coverage afforded. An additional three (3) fields are taken from codes developed by the National Practitioner Databank (NPDB), to which all insurers are currently required to report.

Assumptions

1. Costs are estimated with respect to modifying an existing reporting requirement rather than initiating a new reporting requirement. Some entities fail to file under current

requirements. These entities will incur significantly higher fixed or start-up costs than is indicated in the following estimates. These additional start-up costs are excluded since such costs are not strictly associated with any additional reporting requirement of 20 CSR 600-1.030.

2. Reporting entities currently possess the information necessary to satisfy 20 CSR 600-1.030. Policy detail, such as types of coverage and policy limits, are the fundamental bits of information necessary to adjust any claim. DIFP assumed that reporting these data elements entail little additional costs.

Costs will be incurred due to the additional requirements pertaining to the narratives that must accompany each claim. The underlying information necessary to satisfy this reporting requirement would be necessary to properly adjudicate a claim and should be available to reporting entities. Many, if not most, carriers already complete the narrative in sufficient detail to satisfy the new requirements.

3. Implementing electronic filing will produce off-setting cost reductions vis-à-vis the current reporting requirements.

Number and Category of Reporting Entities		
Type of Entity	Number of Entities	Premium Written, 2006
Licensed Insurers	41	\$167,288,641
Risk Retention Groups	18	\$16,521,611
Surplus Lines Companies	27	\$33,653,034
Total Number of Insurers	86	\$217,463,286
Total Insurance Groups	62	\$217,463,286
Self-Insured Entities	23 (est.)	N/A
Total Reporting Entities Based on Insurer Groups	85	

Costs are calculated by insurer group rather than by individual company. It is expected that significant economies of scale can be achieved by insurer groups that coordinate data storage and retrieval functions between member companies. However, actual costs may be larger to the extent that insurers fail to exploit such economies.

Start-up (Fixed) Costs Per Entity:

Fixed costs are those associated with beginning a new process, and are not typically associated with the volume of output. For example, the cost of procuring a robotic welding arm for an automobile manufacturer is the same for the company that produces 20 cars as the company that produces 20,000 cars. Fixed costs in this case are associated with initial

computer programming necessary to capture, store, and retrieve additional data elements. These costs are not expected to vary significantly between large and small carriers.

40 / hrs programming at \$75,891 per year
 Cost per hour: \$38.72 (based on \$75,891 annual)
 Cost per entity: (\$38.72 x 40 hr) = \$1,548

Total Industry Costs: (\$1,548 x 85 insurer groups and self-insureds) = \$131,580

Variable (Continuing) Costs Per Annum:

Variable costs rise or fall as a function of the volume of output. Carriers that process more claims will incur more costs. The estimate presented here represents an industry-wide aggregate.

Total estimated number of claims, based on prior years: 1,500

Capturing additional information required by 20 CSR 600-1.030: est. 30 minutes per claim

Offsetting savings achieved by electronic filing: 10 minutes per claim

Net time cost per claim: 20 minutes

Total necessary labor time: (1,500 claims, at 20 minutes per claims): 500 Hours

Total annual cost: (\$38.72 x 500 hrs) = \$19,360

The number of self-insured entities is not known with certainty, but is estimated to be 23 based on prior claims reporting. A total of 86 insurer groups reported positive medical malpractice premium in Missouri in 2007.

Group Code	Company Code	Group Or Company Name	Premium Written, Missouri, 2007
626		Ace Ltd Group	\$2,042,952
501		Alleghany Group	\$2,016,351
761		Allianz Ins Group	\$1,245,468
	11710	Allied Professionals Insurance Company, A RRG, Inc.	\$28,481
	10232	American Association Of Orthodontists Insur. Co. (A RRG)	\$118,507
12		American Intl Group	\$5,749,089
1279		Arch Ins Group	\$4,902,491
457		Argonaut Group	\$0
	10717	Aspen Specialty Insurance Company	\$32,327
31		Berkshire Hathaway Group	\$16,509,744

Group Code	Company Code	Group Or Company Name	Premium Written, Missouri, 2007
	12373	Caring Communities, A Reciprocal Risk Retention Group	\$1,457,724
	18767	Church Mutual Insurance Company	\$313,973
244		Cincinnati Fin Group	\$1,732,308
218		Cna Ins Group	\$7,379,746
	13893	Community Blood Centers' Exchange, Risk Retention Group	\$197,335
	11798	Continuing Care Risk Retention Group, Inc.	\$63,649
831		Doctors Co Group	\$4,500,660
	12015	Emergency Medicine Risk Retention Group, Inc	\$293,618
	11714	Emergency Physicians Insurance Company Risk Retention Group	\$562,249
	11990	Essential Risk Retention Group, Inc.	\$1,775,721
1120		Everest Reins Holdings Group	\$607,061
158		Fairfax Fin Group	\$4,813,689
1272		Fpic Ins Group	\$6,890,822
	12361	Galen Insurance Company	\$2,621,485
	11941	Green Hills Insurance Company, A Risk Retention Group	\$3,751
984		Hcc Ins Holdings Group	\$17,081
	35904	Health Care Indemnity Inc.	\$355,268
	11832	Health Care Industry Liability Reciprocal Insurance Co A RRG	\$2,475,874
861		Hospital Serv Group	\$38,053,908
2358		Ismie Group	\$314,613
	3494	James River Insurance Company	\$24,079
	34703	Kansas Medical Mutual Insurance Company	\$2,435,339
	11947	Lewis & Clark Ltc Risk Retention Group, Inc.	\$99,047
785		Markel Corp Group	\$3,890,258
	12754	Medicus Insurance Company	\$46,654
	11964	Missouri Doctors Mutual Insurance Co	\$4,601,506
	11582	Missouri Professionals Mutual	\$41,213,754
361		Munich Amer Holding Group	\$2,215,983
508		National Group	\$946,070
	36072	National Guardian Risk Retention Group	\$1,807,469
140		Nationwide Corp Group	\$22,168
2638		Ncmic Group	\$2,433,953
	12189	Oceanus Insurance Company A Risk Retention Group	\$649,192
	44105	Ophthalmic Mutual Insurance Company (A Risk Retention Group)	\$1,229,906
1313		Oregon Dental Group	\$1,182
	11846	Peace Church Risk Retention Group (A Reciprocal)	\$57,432
775		Pharmacists Mut Group	\$411,713
	11704	Physicians Professional Indemnity Association	\$9,415,129
3504		Pica Group	\$1,661,281

Group Code	Company Code	Group Or Company Name	Premium Written, Missouri, 2007
	44083	Preferred Physicians Medical Risk Retention Group, Inc.	\$2,975,404
	36234	Preferred Professional Insurance Company	\$2,367,952
2698		Proassurance Corp Group	\$19,146,543
	12513	Professional Liability Insurance Company Of America	\$4,350,105
163		Safeco Ins Group	\$4,386
	11712	Saint Lukes Health System Risk Retention Group	\$3,538,422
	12907	Southwest Physicians Risk Retention Group, Inc.	\$537,651
176		State Farm Group	\$84,808
	12915	Urgent Care Assurance Company Risk Retention Group	\$7,485
866		Western World Group	\$427,944
1129		White Mountains Group	\$843,355
98		Wr Berkley Corp Group	\$1,164,002
212		Zurich Ins Group	\$1,777,169
Total			\$217,463,286

IV. Reporting Requirements other than Closed Claim Data: Worksheet & Assumptions

The following tables summarize the estimated additional cost that insurers will incur to comply with the proposed rule. The costs are expressed per "entity" and for the entire industry. Some insurers operate as a group and a single unit within the group usually prepares the data reports for all of the companies in the group. For this reason I consider each such group to be a single entity. The costs are expressed in 2008 dollars.

Estimated Compliance Cost For Industry			
		Per Entity	Industry Total
Initial Cost	\$	25,275	\$ 1,541,784
Ongoing Cost	\$	7,121	\$ 434,381
Written Premium			\$217,463,286
Initial Percent of WP			0.71%
Ongoing Percent of WP			0.20%

Estimated Compliance Cost For Missouri Small Businesses			
		Per Entity	Industry Total
Initial Cost	\$	30,723	\$ 215,064
Ongoing Cost	\$	8,676	\$ 60,730
Written Premium			\$ 67,718,100
Initial Percent of WP			0.32%
Ongoing Percent of WP			0.09%

Limitations and Admonitions

The estimates set forth in this memo are forecasts of future costs. These estimates depend upon such factors the current insurance company staffing and cost structure, and the amount and cost of additional resources needed for compliance. Data reporting capabilities and costs vary a great deal from entity to entity. Although the estimates discussed herein reflect my best professional judgment, substantial variance of actual results from the projections contained in this memo is possible.

Although the estimates are made and presented per entity, the cost for any particular insurer or insurer group could be much different from the estimates provided here.

Data, Methods and Assumptions

The cost estimates are documented in the attached exhibits. Exhibit 1 shows the calculation of compliance cost estimates for three segments:

- Entities that do not insure physicians and surgeons,
- Entities that insure physicians and surgeons only, and
- Entities that insure physicians and surgeons as well as facilities and/or other medical professionals.

Compliance costs for each segment equals the estimated hours of work needed for compliance times the hourly rate times the number of entities within the segment.

Exhibit 2 shows the estimated hours of additional work needed to comply with the proposed regulation. The hours of work are estimated separately for each segment, for initial compliance and on an ongoing basis. The initial work is assumed to involve a review of current data elements for compliance, adding new data elements, and data extracts. Insurers of physicians and surgeons must

also report data in support of Missouri-specific surgical classes, merit rating plan, policies written report and base rate information. Ongoing work includes maintenance (such as updating class codes) and production of annual reports.

Exhibit 3 shows the estimated cost per hour for compliance. The hourly costs are based on the average wages of the occupations needed to implement the rule. The percent of hours needed for compliance is estimated based on the type of expertise and level of involvement needed. Countrywide costs are used because most of the work is expected to be conducted outside of Missouri. Even local insurers may use out-of-state resources. Wage data is from the Bureau of Labor Statistics May 2007 National Occupational Employment and Wage Estimates for the United States.

An overall average annual wage is calculated for each segment. The annual wage is further adjusted to reflect overhead and inflation. Overhead is estimated based on 2008 Best's Aggregates and Averages, Insurance Expense Exhibit for the Medical Malpractice Composite. Wages are adjusted to 2008 levels using the annual change in the Employment Cost Index as of June 2008.

Exhibit 4 shows an inventory of the insurers actively writing medical malpractice insurance in Missouri in 2007. This exhibit is used to estimate the current number of entities writing medical malpractice insurance in Missouri. This list includes surplus lines insurers and out-of-state risk retention groups.

The 17 out-of-state risk retention groups have an estimated initial compliance cost of \$389,048 and an ongoing compliance cost of \$109,295. Although risk retention groups are subject to the rule, the issue of federal preemption of data reporting may have to be resolved before compliance costs are fully realized.

Exhibit 1A

Missouri Department of Insurance, Financial Institutions and Professional Registration

20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting
Estimated Compliance Cost For Industry

Insurers Not Writing Physicians & Surgeons

	<u>Initial</u>	<u>Ongoing</u>
Hours of work per Entity	408	114
Cost per hour \$	39.33	39.33
Total Cost per Entity \$	16,047	4,484
Number of Entities	24	24
Subtotal Cost All Entities \$	385,119	107,607

Insurers Writing Physicians & Surgeons Only

	<u>Initial</u>	<u>Ongoing</u>
Hours of work per Entity	576	162
Cost per hour \$	46.43	46.43
Total Cost per Entity \$	26,744	7,522
Number of Entities	19	19
Subtotal Cost All Entities \$	508,130	142,912

Insurers Writing Both Physicians & Surgeons and Other Exposure Types

	<u>Initial</u>	<u>Ongoing</u>
Hours of work per Entity	776	220
Cost per hour \$	46.43	46.43
Total Cost per Entity \$	36,030	10,215
Number of Entities	18	18
Subtotal Cost All Entities \$	648,534	183,863

Number of Entities	61	61
Cost per Entity \$	25,275	7,121
Total Cost All Entities \$	1,541,784	434,381

Notes

Hours of work - see Exhibit 2
Cost per hour - see Exhibit 3
Number of entities - see Exhibit 4

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Exhibit 1B

Missouri Department of Insurance, Financial Institutions and Professional Registration

20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting
Estimated Compliance Cost For Missouri Small BusinessesInsurers Writing Physicians & Surgeons Only

	<u>Initial</u>	<u>Ongoing</u>
Hours of work per Entity	576	162
Cost per hour	\$ 46.43	\$ 46.43
Total Cost per Entity	\$ 26,744	\$ 7,522
Number of Entities	4	4
Subtotal Cost All Entities	\$ 106,975	\$ 30,087

Insurers Writing Both Physicians & Surgeons and Other Exposure Types

	<u>Initial</u>	<u>Ongoing</u>
Hours of work per Entity	776	220
Cost per hour	\$ 46.43	\$ 46.43
Total Cost per Entity	\$ 36,030	\$ 10,215
Number of Entities	3	3
Subtotal Cost All Entities	\$ 108,089	\$ 30,644

Number of Entities	7	7
Cost per Entity	\$ 30,723	\$ 8,676
Total Cost All Entities	\$ 215,064	\$ 60,730

Notes

Hours of work - see Exhibit 2

Cost per hour - see Exhibit 3

Number of entities - see Exhibit 4

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Exhibit 2

Missouri Department of Insurance, Financial Institutions and Professional Registration

**20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting
Estimated Compliance Hour of Work**

	Non-MD Only		MD Only		MD & Non-MD	
	<u>Initial</u>	<u>Ongoing</u>	<u>Initial</u>	<u>Ongoing</u>	<u>Initial</u>	<u>Ongoing</u>
<u>Stat Plan</u>						
Subline	24	0	8	0	24	0
Specialty Class	40	24	40	24	64	32
Surgery Class			24	8	24	8
Exposure	40	0	40	0	40	0
Merit Rating			120	30	120	30
County Look-up	24	0	24	0	24	0
<u>Reports</u>						
Expo & Premium	120	40	120	40	180	60
Loss and ALAE	120	40	120	40	180	60
Base Rate	40	10	40	10	80	20
Cancel & Nonrenew			40	10	40	10
Total	408	114	576	162	776	220

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Exhibit 3

Missouri Department of Insurance, Financial Institutions and Professional Registration

20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting
Estimated Compliance Cost per Hour

Occupation code Occupation	Estimated percent of Hours			BLS Countrywide Avg Wage
	Non-MD Only	MD Only	MD & Non-MD	
13-2053 Insurance Underwriters	10%	20%	20%	60,120
15-1051 Computer System Analyst	20%	30%	30%	75,891
15-1041 Computer Support Specialist	70%	40%	40%	45,300
15-2011 Actuaries	0%	10%	10%	95,420
	100%	100%	100%	
1. Average Annual Wage	52,900	62,453	62,453	
2. Provision for Overhead	1,500	1,500	1,500	
3. Employment Cost Trend	1.031	1.031	1.031	
4. Average Annual Cost	81,810	96,584	96,584	
5. Average Hourly Cost	\$ 39.33	\$ 46.43	\$ 46.43	

Exhibit 3 Notes:

Wages are Bureau of Labor Statistics May 2007 National Occupational Employment and Wage Estimates for the United States

Row 1 is the weighted average of wages.

Row 2 is based on the 2008 Best's Aggregates and Averages, Insurance Expense Exhibit for Med Mal Insurers.

Salary related items:	(\$000)	
81 Salaries	86,128	100%
82 Payroll taxes	5,417	6%
Employee relations and welfare	17,408	20%
Insurance	3,686	4%
Rent and rent items	9,442	11%
Equipment	3,397	4%
Cost or depreciation of EDP & c	3,748	4%
	129,226	150%

Row 3 = BLS annual change in the Employment Cost Index as of June 2008.

Row 4 = Row 1 x Row 2 x Row 3

Row 5 = Row 4 / {52 x 5 x 8}

Exhibit 4
Page 1

Missouri Department of Insurance, Financial Institutions and Professional Registration

20 CSR 600-1.030 Medical Malpractice Statistical Data Reporting
Number and Type of Business Entities 2007

Group Code	Company Code Name	Domicile	2007 MO		Exposure Type
			Med Mal Written Premium	Phys & Surg Written Premium	
12	19380 American Home Assur Co	NY	88,654	-	
12	26883 American Intl Specialty Lines Ins Co	IL	164,000	-	
12	23809 Granite State Ins Co	PA	61,650	-	
12	35637 Landmark Ins Co	CA	316,722	-	
12	19437 Lexington Ins Co	DE	2,479,315	-	
12	19445 National Union Fire Ins Co Of Pitts	PA	2,638,748	1,924,815	
			5,749,089	1,924,815	MO & Non-MD
31	37362 General Star Ind Co	CT	112,044	22,053	
31	11843 Medical Protective Co	IN	15,609,756	12,893,304	
31	20079 National Fire & Marine Ins Co	NE	787,944	394,923	
			16,509,744	13,310,280	MO & Non-MD
140	11991 National Cas Co	WI	8,771	8,771	
140	41297 Scottsdale Ins Co	OH	13,397	13,397	
			22,168	22,168	MO Only
212	26387 Steadfast Ins Co	DE	1,535,201	-	
212	16535 Zurich American Ins Co	NY	241,968	-	
			1,777,169	-	Non-MD Only
216	20427 American Cas Co Of Reading PA	PA	3,316,989	50,794	
218	31127 Columbia Cas Co	IL	4,060,757	1,548,448	
			7,379,746	1,599,242	MO & Non-MD
361	19720 American Alt Ins Corp	DE	66,416	-	
361	10786 Princeton Excess & Surplus Lines Ins	DE	2,149,567	-	
			2,215,983	-	Non-MD Only
501	16624 Darwin Natl Assur Co	DE	314,096	314,096	
501	24319 Darwin Select Ins Co	AR	594,308	-	
501	33138 Landmark Amer Ins Co	OK	1,107,947	2,500	
			2,016,351	316,596	MO & Non-MD
508	10801 Fortress Ins Co	IL	196,460	-	
508	44121 One Natl Ins Co Rrg	IL	749,610	749,610	
			946,070	749,610	MO & Non-MD
626	22667 Ace Amer Ins Co	PA	750,515	-	
626	27960 Illinois Union Ins Co	IL	1,292,437	157,857	
			2,042,952	157,857	MO & Non-MD
761	21857 American Ins Co	OH	107,810	-	
761	22610 Chicago Ins Co	IL	934,825	-	
761	22829 Interstate Fire & Cas Co	IL	202,833	-	
			1,245,468	-	Non-MD Only

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Exhibit 4
Page 2

Group Code	Company Code Name	Domicile	2007 MO	2007 MO	Exposure Type
			Med Mal Written Premium	Phys & Surg Written Premium	
831	34495 Doctors Co An Interns Exch	CA	4,405,622	4,405,622	
831	34487 Professional Undwrtrs Liab Ins Co	UT	95,138	78,112	
			4,500,660	4,483,634	MD & Non-MD
861	10686 Medical Liab Alliance	MO	8,867,121	8,552,164	
861	27642 Missouri Hospital Plan	MO	29,166,787	-	
			38,053,908	8,552,164	MD & Non-MD
1129	34452 Homeland Ins Co of NY	NY	739,615	-	
1129	21970 OneBeacon Ins Co	PA	109,740	-	
			843,355	-	Non-MD Only
2638	15865 NCMIC Ins Co	IA	1,360,033	-	
2638	11127 Professional Solutions Ins Co	IA	1,073,920	1,050,938	
			2,433,953	1,050,938	MD & Non-MD
2698	33391 Medical Assur Co Inc	AL	19,130,562	17,910,767	
2698	10179 Red Mountain Gas Ins Co Inc	AL	15,961	8,294	
			19,146,543	17,919,061	MD & Non-MD
3504	10222 PACO Assur Co Inc	IL	55,953	-	
3504	14460 Podiatry Ins Co Of Amer A Mut Co	IL	1,605,328	-	
			1,661,281	-	Non-MD Only
98	24856 Admiral Ins Co	DE	1,164,002	150,000	MD & Non-MD
	11710 Allied Professionals Ins Co RRG	AZ	28,481	-	Non-MD Only
	10232 American Assoc Of Othodontists RRG	VT	118,507	-	Non-MD Only
1279	21199 Arch Specialty Ins Co	NE	4,902,491	-	Non-MD Only
	10717 Aspen Specialty Ins Co	ND	32,327	-	Non-MD Only
	18767 Church Mut Ins Co	WI	313,973	-	Non-MD Only
244	10677 Cincinnati Ins Co	OH	1,732,308	2,450	MD & Non-MD
	13893 Community Blood Cntr Exch RRG	IN	197,335	-	Non-MD Only
	11798 Continuing Care RRG Inc	SC	63,649	-	Non-MD Only
1313	16813 Dentists Benefits Ins Co	OR	1,182	-	Non-MD Only
	12373 Diapason Cas RRG Inc	DC	1,457,724	-	Non-MD Only
	12015 Emergency Medicine RRG Inc	SC	293,618	293,618	MD Only
	11714 Emergency Physicians Ins Co RRG	NV	562,249	562,249	MD Only
	11990 Essential RRG Inc	SC	1,775,721	1,553,721	MD & Non-MD
785	35378 Evanston Ins Co	IL	3,890,258	1,650,111	MD & Non-MD
1120	10651 Everest Ind Ins Co	DE	607,061	-	Non-MD Only
	12361 Galen Ins Co	MO	2,621,485	2,530,380	MD & Non-MD
163	24732 General Ins Co Of Amer	WA	4,386	2,702	MD & Non-MD
	11941 Green Hills Ins Co RRG	VT	3,751	3,751	MD Only
	35904 Health Care Ind Inc	CO	355,268	-	Non-MD Only
	11832 Health Care Industry Liab Recip Ins	DC	2,475,874	-	Non-MD Only
984	42374 Houston Cas Co	TX	17,681	-	Non-MD Only
158	37079 Hudson Specialty Ins Co	NY	4,813,689	3,320,781	MD & Non-MD
1272	33367 Intermed Ins Co	MO	6,890,822	6,480,455	MD & Non-MD
2358	32921 ISMIE Mut Ins Co	IL	314,613	314,613	MD Only
3494	12203 James River Ins Co	OH	24,079	-	Non-MD Only
	34703 Kansas Medical Mut Ins Co	KS	2,435,339	2,435,339	MD Only
	11947 Lewis & Clark LTC RRG Inc	NV	99,047	-	Non-MD Only
	12754 Medicus Ins Co	TX	46,654	46,654	MD Only

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Exhibit 4
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Group Code	Company Code Name	Domicile	2007 MO Med Mal	2007 MO Phys & Surg	Exposure Type
			Written Premium	Written Premium	
	11964 Missouri Doctors Mut Ins Co	MO	4,601,506	4,601,506	MD Only
	11582 Missouri Professionals Mut	MO	41,213,754	41,213,754	MD Only
	36072 National Guardian RRG Inc	HI	1,807,488	1,807,489	MD Only
	12189 Oceanus Ins Co A RRG	SC	649,192	649,192	MD Only
	44105 Ophthalmic Mut Ins Co RRG	VT	1,229,906	1,229,906	MD Only
	11846 Peace Church RRG Inc	VT	57,432	-	Non-MD Only
775	13714 Pharmacists Mut Ins Co	IA	411,713	-	Non-MD Only
	11704 Physicians Professional Ind Assn	MO	9,415,129	9,415,129	MD Only
	44083 Preferred Physicians Medical RRG	MO	2,975,404	2,975,404	MD Only
	36234 Preferred Professional Ins Co	NE	2,367,952	2,367,952	MD Only
	12513 Professional Liab Ins Co Of Amer	NY	4,350,105	4,350,105	MD Only
	11712 Saint Lukes Hlth System RRG	SC	3,538,422	3,538,422	MD Only
	12907 Southwest Physicians RRG Inc	SC	537,651	537,651	MD Only
176	25143 State Farm Fire And Cas Co	IL	64,808	-	Non-MD Only
	12915 Urgent Care Assur Co RRG Inc	NV	7,485	7,485	MD Only
866	13196 Western World Ins Co	NH	427,944	-	Non-MD Only
<u>All Entities</u>					
	Non-MD Only		19,419,232	-	24
	MD Only		76,372,367	76,372,367	19
	MD & Non-MD		121,671,687	85,754,797	18
	Total		217,463,286	142,127,164	61
<u>Missouri Entities</u>					
	Non-MD Only		-	-	-
	MD Only		58,205,793	58,205,793	4
	MD & Non-MD		9,512,307	9,010,835	3
	Total		67,718,100	67,216,628	7
<u>Out-of-State Risk Retention Groups</u>					
	Non-MD Only		2,022,175	-	7
	MD Only		8,629,743	8,629,743	9
	MD & Non-MD		1,775,721	1,553,721	1
	Total		12,427,639	10,183,464	17

Source is the National Association of Insurance Commissioners

9/28/2008

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2165—Board of Examiners for Hearing
Instrument Specialists
Chapter 2—Licensure Requirements**

PROPOSED RULE

20 CSR 2165-2.025 Application Procedures

PURPOSE: This rule outlines the procedure for applying for licensure as a hearing instrument specialist and/or a hearing instrument specialist in training.

(1) Applications for licensure must be made on the forms provided by the board. Application forms may be obtained by requesting them from the Board of Examiners for Hearing Instrument Specialists, PO Box 1335, Jefferson City, MO 65102 or on the board's website www.pr.mo.gov/hearing.asp.

(2) An application must be legible (printed or typed), signed, notarized, and accompanied by the appropriate fees. The fee must be in the form of a cashier's check, personal check, or money order.

(3) The following documents must be on file for an application to be considered complete:

- (A) Completed application;
- (B) Appropriate fee;
- (C) Proof of acceptable educational credentials as evidenced by an official transcript sent directly to the board by the school;
- (D) A current, standard passport photo, one and one-half inches by two inches (1.5" × 2.0"), must be attached to the application; and
- (E) Verification of licensure must be submitted by each state where the applicant has ever been licensed. Verification of licensure shall contain information concerning the requirements in force at the time the applicant was licensed, the method of licensing including examination results, date of original licensure, and current status of the applicant's license.

(4) All forms must be completed and received by the board by the established deadline.

AUTHORITY: sections 346.115 and 346.050, RSMo 2000 and section 346.055, RSMo Supp. 2007. Original rule filed Sept. 8, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately three hundred seven dollars and seventy-four cents (\$307.74) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately seven thousand one hundred twenty-four dollars (\$7,124) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Examiners for Hearing Instrument Specialists, Attention: Dana Hoelscher, PO Box 1335, Jefferson City, MO 65102, via fax at (573) 526-3856 or via email at behis@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2165 - Board of Examiners for Hearing Instrument Specialists

Chapter 2 - Licensure Requirements

Proposed Rule - 20 CSR 2165-2.025 Application Procedures

Prepared June 9, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Board of Examiners for Hearing Instrument Specialists	\$307.74
Total Annual Cost of Compliance for the Life of the Rule	
	\$307.74

III. WORKSHEET

The Licensure Technician II reviews applications for completion and prepares and sends follow-up letters. The Clerk IV prepares the files for board review. The Executive Director approves the applications and addresses any areas of concern related to the review of the documents.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure	\$24,228	\$36,073.07	\$17.34	\$0.29	10 minutes	\$2.89	\$75.15
Clerk IV	\$27,324	\$40,682.70	\$19.56	\$0.33	5 minutes	\$1.63	\$42.38
Executive Director	\$54,952	\$81,818.03	\$39.34	\$0.66	10 minutes	\$6.56	\$170.45
Total Personal Services Cost for Implementation of this Rule							\$287.98

Expense and Equipment Dollars for Initial Licensure

Expenses and Materials	Cost Per Item	Number of Items	Total Cost
Letterhead	\$0.20	26	\$5.20
Envelope	\$0.15	26	\$3.90
Postage	\$0.41	26	\$10.66
Total Expense and Equipment Cost	\$1.77	Total Expense and Equipment Costs for Implementation of this Rule	\$19.76

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

PRIVATE FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2165 - Board of Examiners for Hearing Instrument Specialists****Chapter 2 - Licensure Requirements****Proposed Rule - 20 CSR 2165-2.025 Application Procedures**

Prepared June 9, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**First Year of Implementation of Rule**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
26	Hearing Instrument Specialists (Application Fee - \$250)	\$6,500
26	Hearing Instrument Specialists (Notary - \$2.00)	\$52
26	Hearing Instrument Specialists (Transcript - \$10)	\$260
26	Hearing Instrument Specialists (Passport Photo - \$12)	\$312
Estimated Annual Cost of Compliance for the Life of the Rule		\$7,124

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.
2. The figures reported above are based on FY06-FY07 Actuals and the board's 5 year projections.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 18—Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 386.310, 393.140, and 394.160, RSMo 2000 and section 393.130, RSMo Supp. 2007, the commission amends a rule as follows:

4 CSR 240-18.010 Safety Standards for Electrical Corporations, Telecommunications Companies and Rural Electric Cooperatives **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1133-1134). This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed amendment was held July 16, 2008, and the public comment period ended July 16, 2008. One (1) written comment was received from the staff of the Public Service Commission, and the only person to testify at the hearing was staff witness David Elliott.

COMMENT: Mr. Elliot supports adoption of the amendment but notes that the *Missouri Register* contained a typographical error in the sentence following the title, which indicated the addition of sec-

tion (5), but should have referred to section (4), as there is no section (5). However, as this sentence only appears in the Register to assist readers and is not included in the *Code of State Regulations*, no change is required.

RESPONSE: No language change is necessitated by this comment.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education Chapter 631—Leadership Academy

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2007 and section 168.405, RSMo 2000, the board rescinds a rule as follows:

5 CSR 80-631.010 Administrator Assessment Center **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1076-1077). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 70—Division of Alcohol and Tobacco Control Chapter 2—Rules and Regulations

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control under section 311.722, RSMo 2007, the division amends a rule as follows:

11 CSR 70-2.020 Application for License **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1335-1336). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 70—MO HealthNet Division Chapter 4—Conditions of Participant Participation, Rights and Responsibilities

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.633, 208.636, 208.643, 208.646, 208.650, 208.655, and 208.657, RSMo 2000, sections 208.201, 208.631, 208.640, and 208.647, RSMo Supp. 2007, and Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 11, 94th General Assembly, the division amends a rule as follows:

13 CSR 70-4.080 State Children's Health Insurance Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1231-1233). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 30—Podiatry Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.201, RSMo Supp. 2007, the division amends a rule as follows:

13 CSR 70-30.010 Podiatric Services Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1235). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 98—Psychiatric/Psychology/Counseling/
Clinical Social Work Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, and 208.201, RSMo Supp. 2007, the division amends a rule as follows:

**13 CSR 70-98.015 Psychiatric/Psychology/Counseling/
Clinical Social Work Program Documentation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1235-1237). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 1—Life Insurance and Annuity Standards**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under

sections 374.045, 376.670, 376.673, and 376.675, RSMo 2000 and section 376.671, RSMo Supp. 2007, the director amends a rule as follows:

**20 CSR 400-1.010 Policy Approval Criteria for Life Insurance
and Annuity Contracts is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1276). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held August 4, 2008, and the public comment period ended August 4, 2008. At the public hearing, the Life, Annuities and Health Division staff explained the proposed amendment, and no comments were made.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 1—Life Insurance and Annuity Standards**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under section 376.620, RSMo Supp. 2007, the director rescinds a rule as follows:

20 CSR 400-1.050 Suicide No Defense to Payment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1276-1277). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held August 4, 2008, and the public comment period ended August 4, 2008. At the public hearing, the Life, Annuities and Health Division staff explained the proposed rescission, and no comments were made.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 1—Life Insurance and Annuity Standards**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under sections 374.045, 376.380, 376.670, and 376.676, RSMo 2000, the director adopts a rule as follows:

**20 CSR 400-1.170 Recognition of Preferred Mortality Tables in
Determining Minimum Reserve Liabilities and Nonforfeiture
Benefits is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1278-1280). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held August 4, 2008, and the public comment period ended August 4, 2008. At the public hearing, the Life, Annuities and Health Division staff explained the proposed rule, and no comments were made.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 1—Life Insurance and Annuity Standards**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under sections 374.045, 376.380, 376.670, and 376.676, RSMo 2000, the director adopts a rule as follows:

20 CSR 400-1.175 Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values for Life Insurance Sold with a Preneed Contract **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1281-1282). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held August 4, 2008, and the public comment period ended August 4, 2008. At the public hearing, the Life, Annuities and Health Division staff explained the proposed rule, and no comments were made.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2010—Missouri State Board of Accountancy
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.268 and 326.271, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2010-1.020 Board Compensation **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1283-1284). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, 334.736, 334.738, 334.742, 334.743, and 334.745, RSMo 2000 and sections 334.100, 334.735, and 334.749, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2150-7.300 Applicants for Temporary Licensure **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1285). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2200—State Board of Nursing
Chapter 4—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 620.010.15(6) and 335.036, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2200-4.030 Public Complaint Handling and Disposition Procedure **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1285-1286). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2200—State Board of Nursing
Chapter 4—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 335.036 and 383.133, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2200-4.040 Mandatory Reporting Rule **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008

(33 MoReg 1286–1287). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2210—State Board of Optometry
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Optometry under section 336.160.1, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2210-2.011 Licensure by Endorsement **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1168). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2210—State Board of Optometry
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Optometry under sections 336.160 and 336.220, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2210-2.080 Certification of Optometrists to Use
Pharmaceutical Agents **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1085). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Optometry received one (1) comment on the proposed amendment.

COMMENT #1: Richard H. Paul with Missouri Society of Eye Physicians and Surgeons (MOSEPS) voiced opposition to the changes proposed by the board based on the revisions being substantive and not procedural in nature. While the amendment's purpose is listed as removing obsolete language following the passage of Senate Bill 308 and House Bill 780 of the 94th General Assembly, it does not appear that the deletions of the language are reflected in the language of the passed legislation. The aforementioned sections should remain intact as they existed prior to the proposed amendment and continue to remain relevant to the practice of optometry.

RESPONSE: The board appreciates the comment; however, the board still feels that the amendment is necessary to be in compliance

with the passage of Senate Bill 308 and House Bill 780 of the 94th General Assembly. Therefore, no changes have been made to the proposed amendment as a result of this comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2232—Missouri State Committee of Interpreters
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328, RSMo 2000, the board amends a rule as follows:

20 CSR 2232-1.020 Policy for Release of Public Records
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1287). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2(1) and (3), RSMo 2000, the board amends a rule as follows:

20 CSR 2232-2.010 Application for Licensure **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1287). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2(1) and (3), RSMo 2000, the board amends a rule as follows:

20 CSR 2232-2.020 Application for Temporary License
is amended.

A notice of the proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1287–1288). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2, RSMo 2000, the board amends a rule as follows:

**20 CSR 2232-2.030 Name and Address Change and License
Renewal is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1288). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2232—Missouri State Committee of Interpreters
Chapter 3—Ethical Rules of Conduct**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2(1) and (3), RSMo 2000, the board amends a rule as follows:

20 CSR 2232-3.020 Consumer Welfare is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1288). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2267—Office of Tattooing, Body Piercing, and
Branding
Chapter 2—Licensing Requirements**

ORDER OF RULEMAKING

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under section 324.522, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2267-2.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2008 (33 MoReg 985–988). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Twenty-five (25) comments were received.

COMMENT #1: Marilyn Rustand, with Facial Designs; Kathleen Ciampi, with the Society of Permanent Cosmetic Professionals; and Cheri Durbin and Angela Durbin, with So Natural Institute of Permanent Cosmetics, submitted comments regarding 20 CSR 2267-2.010(2)(A) and (2)(B) stating it is common for all machine single-use accessories, such as tubes and needles, provided by the manufacturers to come pre-sterilized. The commenters disagree that blood borne pathogen or cardiopulmonary resuscitation (CPR) courses are needed in the permanent cosmetic industry.

COMMENT #2: John Glore, with Ozark Ink Tattoo Emporium, Gee Lucas, and Sue Stephens, with School of Permanent Makeup, submitted comments supporting blood borne pathogens training; however, commenters do not see the need for CPR classes. One (1) commenter expressed concern regarding the cost to the apprentice to take blood borne pathogen training courses, citing that an apprentice is not allowed to charge for his/her own work, but is expected to pay for the cost of the training course. This commenter recommended an on-line course be offered to offset costs.

COMMENT #3: Susan Keller, with Beehive Tattoos, and T.B. Gregory submitted comments supporting blood borne pathogen training and CPR courses.

RESPONSE: According to the United States Department of Labor, Occupational Safety and Health Administration (OSHA), “eight (8) million workers in the United States are at risk of occupational exposure to blood borne pathogens. Blood borne pathogens are pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), and others.” OSHA cautions that “any worker handling sharp devices or equipment such as scalpels, sutures, hypodermic needles, blood collection devices, or phlebotomy devices is at risk.” Due to the nature of the tattooing, body piercing, and branding professions, practitioners and their consumers are at a recognized risk of exposure to blood borne pathogens. Blood borne pathogen training will ensure practitioners are aware of how blood borne pathogens are spread, how to prevent exposure, and what to do if exposed to infectious materials. As such, blood borne pathogen training is a necessary step to adequately protect the health, safety, and welfare of Missouri consumers as well as practitioners. Blood borne pathogen training is consistent with the licensing requirements of the other states that regulate tattooing, body piercing, and/or branding. As to costs, blood borne pathogen trainings are readily available in the state of Missouri, online and through reputable entities such as the American Red Cross for a minimal fee. In light of the considerable health risks, the division has considered the comment and has decided to proceed with the proposed amendment as drafted in 20 CSR 2267-2.010(2)(A). Additionally, tattooing, body piercing, and branding generally involves the manipulation and/or permanent alteration of skin through various instruments, including, sharp devices. Procedures may extend over several hours and are likely to occur in a non-medical setting. Due to the potential for adverse reaction to a procedure, allergic or otherwise, proper training in life saving resuscitative methods is appropriate. As indicated in the response related

to blood borne pathogen courses, CPR courses are offered by reputable entities throughout the state for a minimal fee. CPR training is also consistent with the licensing regulations of other jurisdictions and is necessary to adequately protect the health, safety, and welfare of Missouri consumers as well as practitioners. As a result, the division has considered the comment and has decided to proceed with the proposed amendment as drafted in 20 CSR 2267-2.010(2)(B).

COMMENT #4: Cassie Levett submitted a comment supporting blood borne pathogens and CPR training and requested the office to consider a requirement for body piercers to have an annual blood test and be required to take an anatomy course.

RESPONSE: Amending the proposed amendment to require additional blood testing would constitute a substantive change to the amendment submitted for public comment and would violate Chapter 536, RSMo. Further, annual blood testing would significantly increase the estimated fiscal impact of the proposed amendment and would require additional financial consideration and estimations. In order to allow for public comment and to comply with Missouri law, the division has not made any changes to the proposed amendment, but will consider the comment in future rulemaking. Additionally, the division encourages and recognizes the benefits of anatomy education. Human anatomy courses may include the study of gross anatomy as well as minute anatomical structures which relate more attenuantly to the practice of tattooing, body piercing, and branding. Further, anatomy courses may not be readily accessible in all areas of the state and may, in certain areas of the state, require enrollment in a collegiate course. As such, the costs may be quite substantial, particularly to practitioners in smaller areas. Although the division has decided to proceed with the proposed amendment as drafted in 20 CSR 2267-2.010(2)(A) and (2)(B), the division may review the suggestion at a future date.

COMMENT #5: Marilyn Rustand, with Facial Designs Permanent Cosmetics, LLC; Kathleen Ciampi, with Society of Permanent Cosmetic Professionals; Cheri Durbin and Angela Durbin, with So Natural Institute of Permanent Cosmetics; John Glore, with Ozark Ink Tattoo Emporium; Val Green, with Spa Wing Haven; Sue Stephens, with School of Permanent Makeup; and T.B. Gregory submitted comments regarding 20 CSR 2267-2.010(2)(C) stating an apprenticeship of six hundred (600) hours or a three hundred (300)-hour course of study is too excessive for the individuals in the permanent cosmetic industry. One (1) commenter stated the proposed number of hours would result in three hundred to four hundred (300)-(400) tattoos, not fifty (50).

COMMENT #6: Val Green, with Spa Wing Haven, suggested the requirement for procedures performed during the apprenticeship include at least sixty (60) procedures for piercings and at least two (2) of the same procedures, since there are more than thirty (30) piercings regularly performed, in order to gain the proper knowledge of the piercing. The commenter also suggested the requirements for procedures performed during an apprenticeship program be changed to at least fifty (50) supervised tattoo procedures.

COMMENT #7: Cassie Levett submitted a comment stating that six hundred (600) hours for a piercer is too many hours since piercers do not require the same amount of practical experience as tattoo artists and could result in shops simply doctoring their training records. Three hundred (300) hours would be enough for piercers to be considered a journeyman. The commenter stated that regulating the hours does not guarantee a piercer has mastered their craft.

COMMENT #8: Marilyn Rustand, with Facial Designs Permanent Cosmetics, LLC; Kathleen Ciampi, with Society of Permanent Cosmetic Professionals; and Cheri Durbin and Angela Durbin, with So Natural Institute of Permanent Cosmetics, submitted comments stating it was impractical to expect people to attend exceptionally long apprenticeships and courses when there are only a handful of cosmetic tattoo trainers across the state compared to the ample availability of traditional tattoo artists who might offer education in body

art tattooing. This could create a hardship for individuals to find cosmetic tattoo training and require them to leave their jobs and families for a considerable period of time.

COMMENT #9: Cassie Levett submitted a comment stating the idea of body piercing, tattooing, and branding schools is horrifying. Apprenticeships allow for one-on-one training and monitoring of a student. Requiring separate licensing for people would raise the quality of teaching for Missouri practitioners.

COMMENT #10: James A. George, with Tatman Productions, LLC, suggested the apprenticeship be for one (1) year or twelve hundred (1,200) hours under a trainer to allow a trainer to properly train an apprentice, citing his particular shop requires an apprentice to complete eighteen hundred (1,800) hours of training. This commenter agrees with the fifty (50) completed procedures requirement; however, disagrees with the number of school training hours stating that an individual should spend as much time in an accredited school as they would spend in an individual training program.

COMMENT #11: Stephanie Sledge and Randy Sledge, with Metal Edge Expo, submitted a comment supporting the training requirements proposed by the office; however, suggested the regulations clearly define the responsibilities and rules of the establishments and practitioners regarding teaching experience; require the establishment be licensed by the office to teach; and require each practitioner who is teaching to provide proof of adequate training and experience.

COMMENT #12: Marilyn Rustand, with Facial Designs Permanent Cosmetics, LLC; John Glore, with Ozark Ink Tattoo Emporium; Charles Beam, with Artifex Tattoo; T.B. Gregory; Val Green, with Spa Wing Haven; Sue Stephens, with School of Permanent Makeup; Bob Thomas; and Christine Henson requested consideration for current license holders to be exempted from the six hundred (600)-hour apprenticeship or three hundred (300)-hour licensed school training.

COMMENT #13: Gee Lucas submitted a comment suggesting the sponsor/instructor is in the best position to judge the readiness of the apprentice.

COMMENT #14: Susan Keller, with Beehive Tattoos, submitted a comment suggesting: the instructors be issued a license from the office upon meeting specific requirements; the office develop training books to be purchased by individuals seeking a trainers license; the commenter also suggested specific requirements for instructors; the office issue a license on one's ability to draw; and the office issue temporary permits in three (3)-month intervals.

RESPONSE AND EXPLANATION OF CHANGE: The division has reviewed the comments regarding the requisite training and practicum hours. After further review of the proposed amendment and the licensing regulations of other states, the division has decreased the apprentice training hours required from six hundred (600) hours to three hundred (300) hours. The remaining requirements of the proposed amendment will protect Missouri consumers and help ensure practitioners are adequately trained without imposing burdensome and unreasonable cost.

COMMENT #15: Christine Henson suggested the office require monthly documentation of training and unannounced visits by state officials to validate the training an apprentice is receiving. The commenter further suggested the office develop a grievance procedure for apprentices that is enforceable and protects the apprentice from unethical practitioners. Ms. Henson suggested tattoo schools be modeled after cosmetology schools. The commenter stated that by mixing a school with a profit-based tattoo shop, the potential for abuse of the apprentice is magnified and oversight is limited.

COMMENT #16: Gee Lucas submitted a comment suggesting more frequent and more intensive checks and pathogen training be conducted in lieu of implementing the other provisions proposed in this amendment.

RESPONSE: The division currently has authority to review an apprentice's training and training records as part of its current inspection process. In addition, the division currently has a complaint

procedure for handling and addressing grievances/complaints from a licensee, apprentice, or other member of the public. In light of the current procedures and practices, the division has reviewed the comments and has decided to promulgate the amendment as proposed.

COMMENT #17: Jon Wallace, with Next Generation Tattoo, and Christine Henson suggested requirements be considered for the apprentice supervisor. One (1) commenter recommended a five (5)-year limitation be considered before a practitioner could train an apprentice.

RESPONSE: Amending the proposed amendment to require additional training or supervision requirements for instructors or apprentice supervisors would constitute a substantive change to the amendment submitted for public comment and would violate Chapter 536, RSMo. Further, the additional training or supervision requirements proposed may significantly increase the estimated fiscal impact of the proposed amendment and would require additional financial consideration and estimations. In order to allow for public comment and to comply with Missouri law, the division has not made any changes to the proposed amendment in subsection (2)(C) but will consider the comment in future rulemaking.

COMMENT #18: Sue Stephens, with School of Permanent Makeup, submitted a comment stating she has worked with the Missouri Department of Higher Education to certify a school of permanent makeup, which has been approved. The commenter is concerned this amendment may prohibit the school from being used.

RESPONSE: The proposed amendment is consistent with the requirements imposed by other jurisdictions regulating the profession's licenses. The division is unaware of any requirement in the proposed amendment that would interfere with certification or accreditation by, or through, the Missouri Department of Higher Education. Further, the division does not have regulatory jurisdiction to require that tattoo schools be modeled after cosmetology schools or to prohibit a school from being affiliated with a profit-based tattoo shop. As such, the division has reviewed the comments and has decided to promulgate the amendment as proposed.

COMMENT #19: Susan Keller, with Beehive Tattoos, submitted a comment supporting apprenticeship requirements, but suggested the office issue temporary permits for apprenticeships for up to three (3) months.

RESPONSE: The division does not have regulatory jurisdiction to grant or create a temporary permit as suggested. Accordingly, the division has reviewed the comments and has decided to promulgate the amendment as proposed.

COMMENT #20: James A. George, with Tatman Productions, LLC, submitted a comment regarding subsection (2)(D) suggesting the rule contain continuing education (CE) requirements citing that several states now require CE as a condition of licensure renewal.

RESPONSE: The division does not have regulatory jurisdiction to require continuing education. Accordingly, the division has reviewed the comments and has decided to promulgate the amendment as proposed.

COMMENT #21: Marilyn Rustand, with Facial Designs Permanent Cosmetics, LLC; Kathleen Ciampi, with Society of Permanent Cosmetic Professionals; Cheri Durbin and Angela Durbin, with So Natural Institute of Permanent Cosmetics; James A. George, with Tatman Productions, LLC; Charles Beam, with Artifex Tattoo; and Gee Lucas submitted comments stating the proposed amendment does not contain provisions for individuals coming from a state where the laws are less restricted than Missouri. If such individuals would be required to meet the proposed amendment, the provisions are overly restrictive. The commenters requested that individuals practicing in another state, who have demonstrated they have operated a viable business, not be required to serve an apprenticeship. They

suggested consideration be given under the reciprocity requirements. One (1) individual suggested that the rule be amended to allow individuals who have not been convicted of any violation of body art law in another state, who can show at least five (5) years of concurrent verifiable experience, and who can pass the written and oral exams, should not be required to complete the proposed hours of training.

RESPONSE AND EXPLANATION OF CHANGE: The division has reviewed the comments and agrees that provisions should be incorporated to address licensing requirements for practitioners with enhanced experience. As a result, the proposed amendment will be amended accordingly.

COMMENT #22: John A. Glore, with Ozark Ink Tattoo Emporium, and Bob Thomas suggested grandfathering or adding an exemption for experienced practitioners be considered.

RESPONSE: The proposed amendment is being promulgated to better protect the health, safety, and welfare of Missouri consumers and Missouri licensees. Although the division recognizes the experience many Missouri practitioners may have prior to licensure, the training and safety requirements of the proposed amendment should be uniformly applied to all licensees to better protect Missouri consumers. As a result, the division has reviewed the comment and has decided to promulgate the amendment as proposed.

COMMENT #23: John Glore, with Ozark Ink Tattoo Emporium, and T.B. Gregory submitted comments regarding fiscal impact to practitioners.

RESPONSE: The division estimated fiscal costs based on current expenditures, current market data, and information gathered from other states, national organizations, and members of the industry that are licensed. Based on the information available, the division's cost estimation complies with Chapter 536, RSMo and reflects a reasonable estimate of the anticipated costs. Although the division recognizes the proposed amendment will result in additional costs to the division and licensees/applicants, the proposed amendment has been drafted to minimize the financial impact to the extent possible while increasing consumer protection. As a result, the division has reviewed the comments and has decided to promulgate the amendment as proposed.

COMMENT #24: Frank Curtis, with Tattoo Spot, submitted a comment requesting the comment period be extended.

RESPONSE: The proposed amendment was submitted for public comment in compliance with the comment period required by Missouri law. Additionally, the proposed amendment was mailed to all licensees for public comment in May 2008. To comply with the timeframes allotted in Chapter 536, RSMo, the division has not extended the comment period. However, additional comments may still be submitted to the division. Any comments or suggestions received after the deadline will be reviewed by the division to determine whether future rulemaking or amendments are appropriate.

COMMENT #25: Sue Stephens, with School of Permanent Makeup, submitted comments agreeing with proposed requirements.

RESPONSE: The division appreciates the comment.

20 CSR 2267-2.010 Licenses

(2) No person shall tattoo, body pierce, and/or brand another person, use or assume the title of tattooist, body piercer, and/or brander, designate or represent themselves to be a tattooist, body piercer, and/or brander unless he or she has obtained a license from the division for the profession practiced. An application for a practitioner license shall be notarized, accompanied by the appropriate fee, and evidence of having successfully completed the following:

(C) An apprenticeship, which shall include at least three hundred (300) documented hours of practical experience that includes at a minimum fifty (50) completed procedures in each area that the

applicant has filed an application for licensure. The documented work shall be certified and supervised by a currently licensed Missouri practitioner or by a practitioner who is licensed to practice tattooing, body piercing, and/or branding in another state, territory, or commonwealth whose requirements for licensure are substantially equivalent to the requirements for licensure in Missouri. The supervising practitioner shall be present during the entire procedure and shall be licensed in the same field of practice in which the applicant has filed a license application; or

(E) Alternatively, and in lieu of an apprenticeship, an applicant may submit proof or other evidence which verifies that he/she has, within the last seven (7) years, practiced for a minimum of three (3) years in the same practice area that the applicant has applied for licensure. Sufficient proof or evidence may include, but is not limited to:

1. Affidavits from prior employer(s) or supervisors;
2. W-2 or 1099 forms; or
3. Tax returns verifying occupational status.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

For additional information contact
Donna Schuessler, (573) 751-6403.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for December 8, 2008. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

09/25/08

#4277 HS: St. Louis Children's Hospital
St. Louis (St. Louis City)
\$2,022,723, Acquire third magnetic resonance imager (MRI)

09/26/08

#4278 HS: SSM DePaul Health Center
St. Louis (St. Louis County)
\$1,650,000, Acquire robotic surgery system

#4281 HS: St. Luke's Hospital of Kansas City
Kansas City (Jackson County)
\$2,751,305, Acquire third MRI

#4286 HS: St. John's Mercy Medical Center
St. Louis (St. Louis County)
\$1,650,000, Acquire second robotic surgery system

#4282 RS: Grant's Farm Manor Community
St. Louis (St. Louis County)
\$4,067,239, Establish 12-bed assisted living facility (ALF)

#4283 NS: Grant's Farm Manor Community
St. Louis (St. Louis County)
\$8,132,478, Establish 24-bed skilled nursing facility

#4276 RS: Ashfield Active Living and Wellness Communities
Kirkwood (St. Louis County)
\$16,000,000, Establish 30-bed ALF

#4280 HS: Saint Luke's East Hospital
Lee's Summit (Jackson County)
\$1,650,000, Acquire robotic surgery system

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by October 29, 2008. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**Notice of Dissolution
of Limited Liability Company
To All Creditors of and
Claimants Against Monterey Contracting, L.L.C.**

On August 6, 2008, Monterey Contracting, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Helfrey, Neiers & Jones, P. C., ATTN: David F. Neiers, 120 S. Central Ave., Ste. 1500, St. Louis, Missouri 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Winding Up
To All Creditors of and
Claimants Against
Concord Properties, L.L.C.**

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CONCORD PROPERTIES, L.L.C., a Missouri limited liability company.

On August 15, 2008, CONCORD PROPERTIES, L.L.C., a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

All persons who have claims against said corporation are directed to present them by letter to the corporation in care of MARC KRAMER, Esq., 1015 Locust Street, Suite 415, St. Louis, Missouri 63101.

All claims must include: (1) the name and address of the claimant; (2) the amount claimed; (3) the basis for the claim; (4) the date(s) on which the event(s) on which the claim is based occurred; and (5) all documentation giving rise to the claim.

Because of the winding up of Concord Properties, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE TO THE UNKNOWN CREDITORS
OF
KARLA GOLDSTEIN & ASSOCIATES, INC.**

You are hereby notified that on September 3, 2008, Karla Goldstein & Associates, Inc., a Missouri profit corporation (the "Company"), the principal office of which is located in St. Louis County, Missouri, filed its Articles of Dissolution by Voluntary Action with the Secretary of State of Missouri.

In order to file a claim with the Company, you must furnish the amount and the basis for the claim and provide all necessary documentation supporting this claim. All claims must be mailed to:

Karla Goldstein & Associates, Inc.
In Care of Capes Sokol Goodman & Sarachan, P.C.
7701 Forsyth Blvd., 12th Floor
Attn: Jeffrey A. Cohen, Esq.

A claim against Karla Goldstein & Associates, Inc. will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
VILLAGE APARTMENTS, L.L.C.**

On September 2, 2008, Village Apartments, L.L.C. a Missouri limited liability company, filed its Notice of Winding Up for limited liability company with the Missouri Secretary of State, effective on the filing date. Dissolution was effective September 2, 2008.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at: Village Apartments, L.L.C. c/o Michael E. Long, Esq., Stinson Morrison Hecker LLP, 168 N. Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against Village Apartments, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-4.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548		
1 CSR 10-15.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548		33 MoReg 1676
1 CSR 15-1.201	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-1.207	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-3.320	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.350	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.380	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.390	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.431	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.436	Administrative Hearing Commission		33 MoReg 1395		
1 CSR 15-3.440	Administrative Hearing Commission		33 MoReg 1395R		
1 CSR 15-3.446	Administrative Hearing Commission		33 MoReg 1396		
1 CSR 15-3.490	Administrative Hearing Commission		33 MoReg 1396		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		33 MoReg 1703		
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		33 MoReg 1704		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-1.020	Animal Health		33 MoReg 1221		
2 CSR 30-10.010	Animal Health		33 MoReg 1397		
2 CSR 30-11.010	Animal Health	33 MoReg 1534	33 MoReg 1706		
2 CSR 70-11.050	Plant Industries	33 MoReg 1795			
2 CSR 70-40.005	Plant Industries		33 MoReg 1803		
2 CSR 90-10	Weight and Measures				33 MoReg 1193
2 CSR 110-2.010	Office of the Director		33 MoReg 1333		
DEPARTMENT OF CONSERVATION					
3 CSR 10-7.440	Conservation Commission		N.A.	33 MoReg 1752	
3 CSR 10-7.455	Conservation Commission		N.A.	33 MoReg 261	33 MoReg 276
3 CSR 10-9.442	Conservation Commission		N.A.	33 MoReg 1753	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-5.010	Division of Business and Community Services		33 MoReg 1555		
4 CSR 85-5.020	Division of Business and Community Services		33 MoReg 1556		
4 CSR 85-5.030	Division of Business and Community Services		33 MoReg 1556		
4 CSR 240-18.010	Public Service Commission		33 MoReg 1133	This Issue	
4 CSR 240-20.065	Public Service Commission		33 MoReg 1397		
4 CSR 240-31.010	Public Service Commission	33 MoReg 1651	33 MoReg 1660		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 80-631.010	Teacher Quality and Urban Education		33 MoReg 1076R	This IssueR	
5 CSR 80-800.285	Teacher Quality and Urban Education		33 MoReg 974	33 MoReg 1753	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				33 MoReg 1768 33 MoReg 1825
7 CSR 10-25.020	Missouri Highways and Transportation Commission	33 MoReg 1535	33 MoReg 1559		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-2.020	Division of Employment Security		This Issue		
8 CSR 10-3.010	Division of Employment Security		33 MoReg 1710		
8 CSR 10-4.200	Division of Employment Security		33 MoReg 1660		
8 CSR 10-5.010	Division of Employment Security		This Issue		
8 CSR 10-5.015	Division of Employment Security		This Issue		
8 CSR 10-5.030	Division of Employment Security		This Issue		
8 CSR 10-5.040	Division of Employment Security		This Issue		
8 CSR 10-5.050	Division of Employment Security		This Issue		
8 CSR 30-4.010	Division of Labor Standards		33 MoReg 1710R 33 MoReg 1710		
8 CSR 30-4.020	Division of Labor Standards		33 MoReg 1711R 33 MoReg 1711		
8 CSR 30-4.030	Division of Labor Standards		33 MoReg 1712R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
8 CSR 30-4.040	Division of Labor Standards		33 MoReg 1712		
8 CSR 30-4.060	Division of Labor Standards		33 MoReg 1712		
8 CSR 50-2.030	Division of Workers' Compensation				33 MoReg 1769
8 CSR 50-2.060	Division of Workers' Compensation				33 MoReg 1769
8 CSR 50-3.010	Division of Workers' Compensation		33 MoReg 1713		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-31.030	Director, Department of Mental Health	33 MoReg 1379	33 MoReg 1407		
9 CSR 30-4.0431	Certification Standards		33 MoReg 1804		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.150	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-2.385	Air Conservation Commission		33 MoReg 1573		
10 CSR 10-4.140	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.250	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.290	Air Conservation Commission		33 MoReg 1805R		
10 CSR 10-5.385	Air Conservation Commission		33 MoReg 1574		
10 CSR 10-5.430	Air Conservation Commission		33 MoReg 1661R		
10 CSR 10-6.070	Air Conservation Commission		33 MoReg 908	33 MoReg 1807	
10 CSR 10-6.075	Air Conservation Commission		33 MoReg 909	33 MoReg 1807	
10 CSR 10-6.080	Air Conservation Commission		33 MoReg 910	33 MoReg 1807	
10 CSR 10-6.110	Air Conservation Commission		33 MoReg 1231		
10 CSR 10-6.400	Air Conservation Commission		This Issue		
10 CSR 20-6.010	Clean Water Commission		33 MoReg 1134		
10 CSR 20-6.300	Clean Water Commission		33 MoReg 1134		
10 CSR 20-7.050	Clean Water Commission	This Issue	This Issue		
10 CSR 23-1.050	Division of Geology and Land Survey		33 MoReg 1661		
10 CSR 23-1.060	Division of Geology and Land Survey		33 MoReg 1664		
10 CSR 23-2.010	Division of Geology and Land Survey		33 MoReg 1408		
10 CSR 70-5.040	Soil and Water Districts Commission		33 MoReg 1334		
10 CSR 70-8.040	Soil and Water Districts Commission		33 MoReg 1335		
10 CSR 70-9.010	Soil and Water Districts Commission		33 MoReg 1722		
10 CSR 140-2	Division of Energy				33 MoReg 1103 33 MoReg 1193
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 40-7.010	Division of Fire Safety	33 MoReg 967	33 MoReg 976	33 MoReg 1807	
11 CSR 70-2.020	Division of Alcohol and Tobacco Control		33 MoReg 1335	This Issue	
11 CSR 75-1.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-2.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.020	Peace Officer Standards and Training Program		33 MoReg 1416		
11 CSR 75-13.030	Peace Officer Standards and Training Program		33 MoReg 1416		
11 CSR 75-13.040	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.050	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.060	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.070	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.080	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.090	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.100	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.010	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.020	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.030	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.040	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.050	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.060	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.070	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.080	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-15.010	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.020	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.030	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.040	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.050	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.060	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.070	Peace Officer Standards and Training Program		33 MoReg 1424		
11 CSR 75-16.010	Peace Officer Standards and Training Program		33 MoReg 1424		
DEPARTMENT OF REVENUE					
12 CSR 10-2.740	Director of Revenue		33 MoReg 1336		
12 CSR 10-26.010	Director of Revenue		33 MoReg 1153	33 MoReg 1808	
12 CSR 10-26.040	Director of Revenue		33 MoReg 1157	33 MoReg 1808	
12 CSR 10-26.210	Director of Revenue		33 MoReg 1157		
12 CSR 10-26.220	Director of Revenue		33 MoReg 1424		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 30-4.010	Child Support Enforcement		33 MoReg 1078R	33 MoReg 1754R	
13 CSR 35-71	Children's Division (Changed from 13 CSR 40-71)				33 MoReg 1676

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 35-71.010	Children's Division (<i>Changed from 13 CSR 40-71.010</i>)	33 MoReg 1651	33 MoReg 1664		
13 CSR 35-71.020	Children's Division (<i>Changed from 13 CSR 40-71.020</i>)	33 MoReg 1653	33 MoReg 1665		
13 CSR 35-71.030	Children's Division (<i>Changed from 13 CSR 40-71.030</i>)	33 MoReg 1654	33 MoReg 1668		
13 CSR 35-71.040	Children's Division (<i>Changed from 13 CSR 40-71.040</i>)	33 MoReg 1655	33 MoReg 1668		
13 CSR 35-71.045	Children's Division (<i>Changed from 13 CSR 40-71.045</i>)	33 MoReg 1655	33 MoReg 1669		
13 CSR 40-71	Family Support Division (<i>Changed to 13 CSR 35-71</i>)				33 MoReg 1676
13 CSR 40-71.010	Family Support Division (<i>Changed to 13 CSR 35-71.010</i>)	33 MoReg 1651	33 MoReg 1664		
13 CSR 40-71.020	Family Support Division (<i>Changed to 13 CSR 35-71.020</i>)	33 MoReg 1653	33 MoReg 1665		
13 CSR 40-71.030	Family Support Division (<i>Changed to 13 CSR 35-71.030</i>)	33 MoReg 1654	33 MoReg 1668		
13 CSR 40-71.040	Family Support Division (<i>Changed to 13 CSR 35-71.040</i>)	33 MoReg 1655	33 MoReg 1668		
13 CSR 40-71.045	Family Support Division (<i>Changed to 13 CSR 35-71.045</i>)	33 MoReg 1655	33 MoReg 1669		
13 CSR 70-3.100	MO HealthNet Division		33 MoReg 1671		
13 CSR 70-3.105	MO HealthNet Division		33 MoReg 1671		
13 CSR 70-3.170	MO HealthNet Division	33 MoReg 1380	33 MoReg 785	33 MoReg 1503	
13 CSR 70-4.080	MO HealthNet Division		33 MoReg 1231	This Issue	
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-6.010	MO HealthNet Division		33 MoReg 1672		
13 CSR 70-10.015	MO HealthNet Division		33 MoReg 1425		
13 CSR 70-10.016	MO HealthNet Division		33 MoReg 1429		
13 CSR 70-10.030	MO HealthNet Division	33 MoReg 1382	33 MoReg 1433		
13 CSR 70-10.080	MO HealthNet Division		33 MoReg 1442		
13 CSR 70-15.010	MO HealthNet Division	33 MoReg 1383	33 MoReg 1444		
13 CSR 70-15.110	MO HealthNet Division	33 MoReg 1384	33 MoReg 1453		
13 CSR 70-20.320	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-25.110	MO HealthNet Division		33 MoReg 1722		
13 CSR 70-26.010	MO HealthNet Division		33 MoReg 1234		
13 CSR 70-30.010	MO HealthNet Division		33 MoReg 1235	This Issue	
13 CSR 70-45.010	MO HealthNet Division		33 MoReg 789	33 MoReg 1754	
13 CSR 70-94.010	MO HealthNet Division		33 MoReg 1723		
13 CSR 70-94.020	MO HealthNet Division		33 MoReg 1725		
13 CSR 70-98.015	MO HealthNet Division		33 MoReg 1235	This Issue	
DEPARTMENT OF CORRECTIONS					
14 CSR 80-5.010	State Board of Probation and Parole		33 MoReg 1672		
14 CSR 80-5.020	State Board of Probation and Parole		33 MoReg 1673		
ELECTED OFFICIALS					
15 CSR 30-10.110	Secretary of State	This Issue	This Issue		
15 CSR 30-51.170	Secretary of State		33 MoReg 910		
15 CSR 30-51.172	Secretary of State		33 MoReg 913		
RETIREMENT SYSTEMS					
16 CSR 50-2.120	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.050	The County Employees' Retirement Fund		This Issue		
BOARDS OF POLICE COMMISSIONERS					
17 CSR 20-2.025	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.065	St. Louis Board of Police Commissioners		33 MoReg 1159		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		33 MoReg 1161		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		33 MoReg 1162		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		33 MoReg 1162		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 30-40.308	Division of Regulation and Licensure		33 MoReg 1238		
19 CSR 30-40.331	Division of Regulation and Licensure		33 MoReg 1243		
19 CSR 30-40.342	Division of Regulation and Licensure		33 MoReg 1250		
19 CSR 30-40.410	Division of Regulation and Licensure		33 MoReg 1257		
19 CSR 30-40.420	Division of Regulation and Licensure		33 MoReg 1258		
19 CSR 30-40.430	Division of Regulation and Licensure		33 MoReg 1261		
19 CSR 30-40.528	Division of Regulation and Licensure		33 MoReg 1271		
19 CSR 30-82.010	Division of Regulation and Licensure		33 MoReg 790	33 MoReg 1754	
19 CSR 30-83.010	Division of Regulation and Licensure		33 MoReg 792	33 MoReg 1754	
19 CSR 30-84.020	Division of Regulation and Licensure		33 MoReg 793	33 MoReg 1756	
19 CSR 30-84.030	Division of Regulation and Licensure		33 MoReg 798	33 MoReg 1757W	
19 CSR 30-85.022	Division of Regulation and Licensure		33 MoReg 812	33 MoReg 1760W	
19 CSR 30-85.032	Division of Regulation and Licensure		33 MoReg 817	33 MoReg 1762	
19 CSR 30-86.012	Division of Regulation and Licensure		33 MoReg 819	33 MoReg 1762	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-86.022	Division of Regulation and Licensure		33 MoReg 820	33 MoReg 1763W	
19 CSR 30-86.032	Division of Regulation and Licensure		33 MoReg 827	33 MoReg 1766W	
19 CSR 30-86.045	Division of Regulation and Licensure		33 MoReg 829	33 MoReg 1766	
19 CSR 30-86.047	Division of Regulation and Licensure		33 MoReg 830	33 MoReg 1766	
19 CSR 30-88.010	Division of Regulation and Licensure		33 MoReg 836	33 MoReg 1767	
19 CSR 60-50	Missouri Health Facilities Review Committee				33 MoReg 1676 33 MoReg 1826 This Issue
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150
20 CSR 100-1.060	Insurer Conduct		This Issue		
20 CSR 100-1.070	Insurer Conduct		This Issue		
20 CSR 100-7.002	Insurer Conduct		33 MoReg 915	33 MoReg 1808	
20 CSR 100-7.005	Insurer Conduct		33 MoReg 916	33 MoReg 1810	
20 CSR 100-8.002	Insurer Conduct		33 MoReg 916	33 MoReg 1811	
20 CSR 100-8.005	Insurer Conduct		33 MoReg 917	33 MoReg 1813	
20 CSR 100-8.008	Insurer Conduct		33 MoReg 918	33 MoReg 1814	
20 CSR 100-8.012	Insurer Conduct		33 MoReg 919	33 MoReg 1815	
20 CSR 100-8.014	Insurer Conduct		33 MoReg 919	33 MoReg 1815	
20 CSR 100-8.015	Insurer Conduct		33 MoReg 920	33 MoReg 1816	
20 CSR 100-8.016	Insurer Conduct		33 MoReg 921	33 MoReg 1817	
20 CSR 100-8.017	Insurer Conduct		33 MoReg 921	33 MoReg 1818	
20 CSR 100-8.018	Insurer Conduct		33 MoReg 922	33 MoReg 1819	
20 CSR 100-8.040	Insurer Conduct	33 MoReg 1386	33 MoReg 1456		
20 CSR 200-6.100	Insurance Solvency and Company Regulation		33 MoReg 1163	33 MoReg 1821	
20 CSR 300-1.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-1.200	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-2.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1457R		
20 CSR 300-2.200	Market Conduct Examinations	33 MoReg 1388R	33 MoReg 1457R		
20 CSR 300-3.100	Market Conduct Examinations		33 MoReg 1457R		
20 CSR 400-1.010	Life, Annuities and Health		33 MoReg 1276	This Issue	
20 CSR 400-1.050	Life, Annuities and Health		33 MoReg 1276R	This IssueR	
20 CSR 400-1.170	Life, Annuities and Health		33 MoReg 1278	This Issue	
20 CSR 400-1.175	Life, Annuities and Health		33 MoReg 1281	This Issue	
20 CSR 400-7.180	Life, Annuities and Health		33 MoReg 1165		
20 CSR 600-1.030	Statistical Reporting		This Issue		
20 CSR 700-1.140	Insurance Licensing		33 MoReg 1167		
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1 CSR 10-4.010	State of Missouri Vendor Payroll Deductions33 MoReg 1531	July 24, 2008 Dec. 31, 2008
1 CSR 10-15.010	Cafeteria Plan . . . . .	.33 MoReg 1531	July 24, 2008 Dec. 31, 2008
Department of Agriculture			
Animal Health			
2 CSR 30-11.010	Large Animal Veterinary Student Loan Program . . . . .	.33 MoReg 1534	July 24, 2008 Feb. 26, 2009
Plant Industries			
2 CSR 70-11.050	Emerald Ash Borer Intrastate Quarantine33 MoReg 1795	Aug. 28, 2008 Feb. 26, 2009
Department of Economic Development			
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4 CSR 240-31.010	Definitions33 MoReg 1651	Aug. 1, 2008 Jan. 29, 2009
Department of Transportation			
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7 CSR 10-25.020	Overdimension and Overweight Permits33 MoReg 1535	Sept. 2, 2008 Feb. 28, 2009
Department of Mental Health			
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9 CSR 10-31.030	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance33 MoReg 1379	July 11, 2008 Dec. 28, 2008
Department of Natural Resources			
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10 CSR 20-7.050	Methodology for Development of Impaired Waters List	This Issue	Jan. 2, 2009 June 30, 2009
Department of Public Safety			
Division of Fire Safety			
11 CSR 40-7.010	Blasting-Licensing, Registration, Notification, Requirements, and Penalties33 MoReg 967	July 1, 2008 Jan. 1, 2009
Department of Social Services			
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13 CSR 35-71.010	Definitions33 MoReg 1651	Aug. 4, 2008 Jan. 30, 2009
13 CSR 35-71.020	Basic Residential Child Care Core Requirements (Applicable to All Agencies)—Basis for Licensure and Licensing Procedures33 MoReg 1653	Aug. 4, 2008 Jan. 30, 2009
13 CSR 35-71.030	Hearings and Judicial Review . . . . .	.33 MoReg 1654	Aug. 4, 2008 Jan. 30, 2009
13 CSR 35-71.040	Organization and Administration . . . . .	.33 MoReg 1655	Aug. 4, 2008 Jan. 30, 2009
13 CSR 35-71.045	Personnel . . . . .	.33 MoReg 1655	Aug. 4, 2008 Jan. 30, 2009
Family Support Division			
13 CSR 40-2.390	Transitional Employment Benefit	Next Issue	Oct. 3, 2008 March 31, 2009
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13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance33 MoReg 1380	July 1, 2008 Dec. 28, 2008
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates . . . . .	.Nov. 17, 2008 Issue	Oct. 13, 2008 April 10, 2009
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services . . . . .	.33 MoReg 1382	July 1, 2008 Dec. 28, 2008
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology . . . . .	.33 MoReg 1383	July 1, 2008 Dec. 28, 2008
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) . . . . .	.33 MoReg 1384	July 1, 2008 Dec. 28, 2008
13 CSR 70-20.320	Pharmacy Reimbursement Allowance	This Issue	Sept. 22, 2008 March 20, 2009
Elected Officials			
Secretary of State			
15 CSR 30-10.110	Voting Machines (Electronic)—Manual Recount	This Issue	Sept. 25, 2008 March 23, 2009
Department of Insurance, Financial Institutions and Professional Registration			
Insurer Conduct			
20 CSR 100-8.040	Insurer Record Retention33 MoReg 1386	July 30, 2008 Feb. 26, 2009

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Market Conduct Examinations			
20 CSR 300-1.100	Unfair Claims Settlement Rates33 MoReg 1387 . . .	July 30, 2008	Feb. 26, 2009
20 CSR 300-1.200	Fraudulent or Bad Faith Conduct Rules33 MoReg 1387 . . .	July 30, 2008	Feb. 26, 2009
20 CSR 300-2.100	File and Record Documentation for Claims33 MoReg 1387 . . .	July 30, 2008	Feb. 26, 2009
20 CSR 300-2.200	Records Required for Purposes of Market Conduct Examinations33 MoReg 1388 . . .	July 30, 2008	Feb. 26, 2009
State Board of Pharmacy			
20 CSR 2220-6.040	Administration by Medical Prescription Order33 MoReg 1069 . . .	May 11, 2008	Feb. 18, 2009

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<u>2008</u>			
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	33 MoReg 1797
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	33 MoReg 1799
08-28	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	33 MoReg 1801

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08-29	Transfers the Breath Alcohol Program back to the Department of Health and Senior Services from the Department of Transportation by Type I transfer	September 12, 2008	This Issue
08-30	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 15, 2008	This Issue
08-31	Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	September 15, 2008	This Issue

2007

07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967

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07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391
07-23	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
07-25	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
07-26	Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	32 MoReg 1904
07-27	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
07-28	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037
07-29	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
07-30	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
07-31	Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
07-32	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
07-33	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
07-34	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
07-35	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188
07-36	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007	December 10, 2007	33 MoReg 190
Emergency Declaration	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
07-37	Designates members of staff with supervisory authority over selected state agencies	December 26, 2007	33 MoReg 317
07-38	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
07-39	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321

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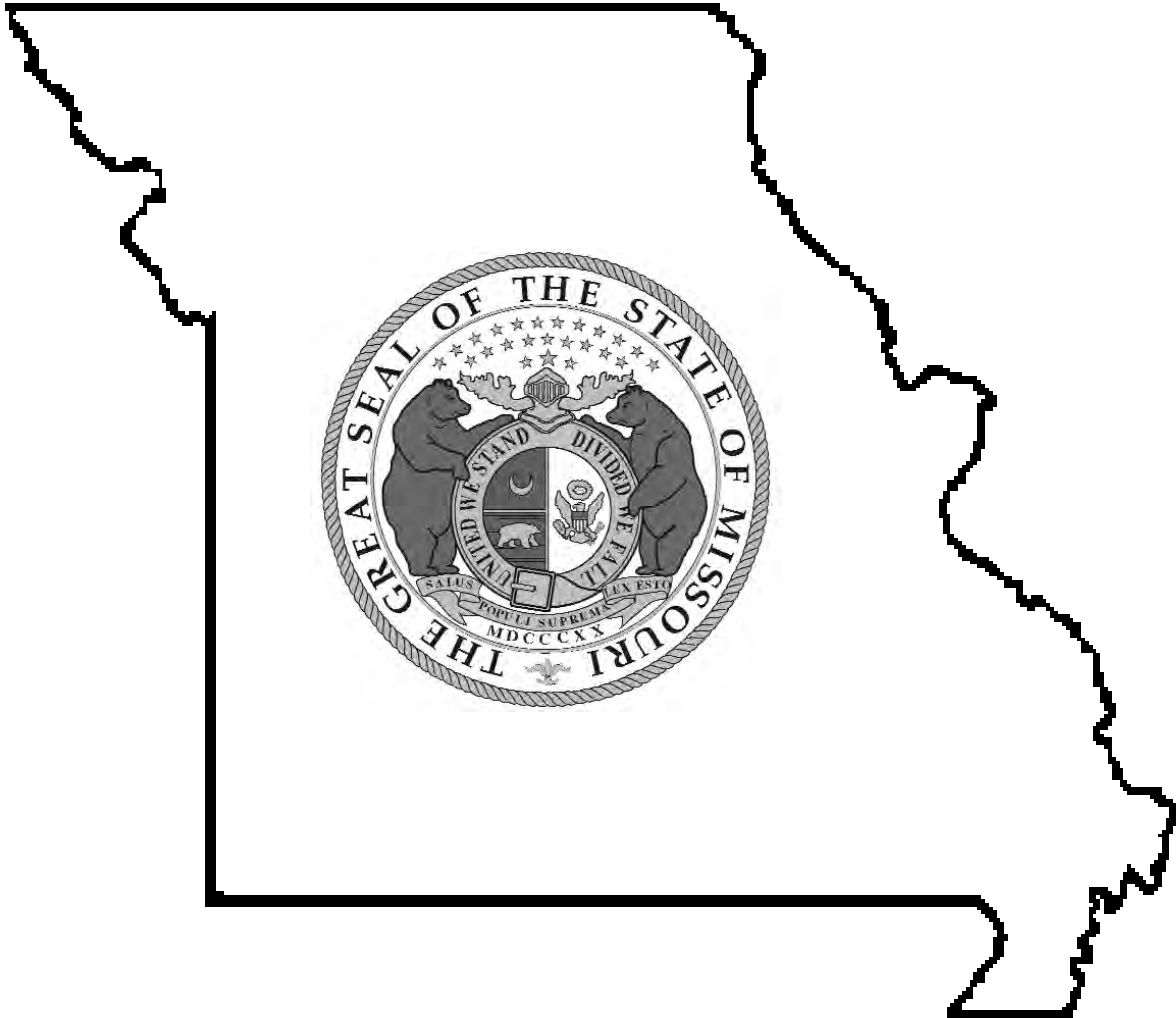
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